

7 FAM 530

SOCIAL SECURITY ADMINISTRATION

(CT:CON-519; 06-25-2014)

(Office of Origin: CA/OCS/L)

7 FAM 531 INTRODUCTION

(CT:CON-407; 06-29-2012)

- a. The Social Security Administration is responsible for the issuance of Social Security Number (SSN) Cards and the administration of the Retirement, Survivors, and Disability Insurance (RSDI) program, the Special Veterans Benefits (SVB) program, and the Supplemental Security Income (SSI) program as authorized by the Social Security Act, as amended.
- b. Social Security laws and regulations are complex and consular officers are encouraged to consult with your Regional Federal Benefits Officer (RFBO) for guidance about situations not addressed in the 7 FAM.
- c. You may also consult the Bureau of Consular Affairs, Directorate of Overseas Citizens Services, Office of Legal Affairs (CA/OCS/L) (CA-OCS-L-FederalBenefits@state.gov) for further information or guidance.

7 FAM 532 AUTHORITIES AND RESPONSIBILITIES

(CT:CON-456; 05-02-2013)

- a. Consular authority regarding Social Security matters abroad is derived from:
 - (1) 22 U.S.C. 3904(3) (Functions of Service); and
 - (2) 42 U.S.C. Chapter 7 (Social Security).
- b. The Role of the RFBO:
 - (1) The Social Security Administration (SSA) funds six Regional Federal Benefits Officers (RFBOs) located in the major benefits processing posts (Frankfurt, London, Manila, Mexico City, Rome, and San Jose).
 - (2) RFBOs are experts in Social Security policy and administration and are knowledgeable about other Federal benefits programs. Each is responsible for a specific geographic area and offers guidance and assistance to claims-taking and non claims-taking posts in fulfilling your responsibility to beneficiaries abroad. RFBOs should be the consular officer's first point of contact when you need assistance in providing information, developing a

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

claim or trying to locate a missing check.

- (3) RFBOs may also periodically visit posts to discuss procedures, provide orientation and training for new officers and assist with problematic cases. They are a valuable resource so utilize their expertise.
- (4) Posts can find the current list of RFBOs and a list of claims-taking posts on the CA Intranet section "Overseas Citizen Services" by clicking on "Non-Emergency Services" and then "Federal Benefits" at the OCS CA Web filter.

c. The Role of the Consular Officer Regarding Social Security Matters Abroad:

- (1) Federal law mandates entitlement to Federal benefits. Each Federal benefits-paying agency establishes policies and procedures under which the laws are administered. When policies and procedures are applied outside the United States, your assistance is required.
- (2) The Department of State and posts abroad do not have the discretion to refuse to assist claimants. For many claimants, the Federal benefits to which they are entitled are their main source of income. This consular service is very important both to the Department and SSA and other Federal benefits paying agencies. Performing these responsibilities on behalf of other Federal government agencies is part of the Department's mission abroad. Consular officers are expected to act as intermediaries between people abroad who are claiming/receiving Social Security benefits and the SSA, and to provide a broad range of services.
- (3) Claims-Taking Posts: There are currently claims-taking posts in the following locations worldwide: Austria, Argentina, Costa Rica, Dominican Republic, France, Germany, Greece, Ireland, Italy, Japan, Jerusalem, Mexico, Norway, Philippines, Poland, Portugal, Spain, and the United Kingdom. These posts accept and process documents relating to claims for Federal benefits from the various agencies listed above. These posts do not adjudicate the claims, but collect, prepare, and forward the claims to the concerned agency for adjudication. Claims-taking posts have Federal benefits units to manage claims and respond to inquiries from beneficiaries and claimants in their particular consular districts. They also support non-claims taking posts to provide services and assist individuals who reside in the respective consular districts. Claims-taking posts provide the broadest range of services. These may include:
 - (a) Advising applicants about benefits;
 - (b) Providing necessary forms;
 - (c) Assisting applicants in completing forms;
 - (d) Arranging medical appointments;
 - (e) Developing claims;
 - (f) Following-up with SSA when necessary, and

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

(g) Processing applications for Social Security Numbers (SSNs).

NOTE: For additional information about claims-taking posts see 7 FAM 536.1-1.

- (4) Non-Claims Taking Posts: All other posts outside the above designated countries are considered non-claims taking posts. They may accept and certify documentation needed for Federal benefit claims processing, i.e., birth, marriage, death certificates, etc. They advise potential claimants of the proper channels for submission of their claims, referring them to the RFBO or to the assigned claims taking post. Even though claims cannot be filed through non-claims taking posts, consular personnel are still required to assist wherever and whenever possible in obtaining answers for persons inquiring about claims submissions or Federal benefits in general. Usually, this may only require posts to relay the question to the RFBO or to obtain a response to an inquiry and then relay it back to the inquirer. Non-claims taking posts are expected to provide the appropriate assistance to individuals inquiring about Social Security benefits, such as information, advice, and referrals. If there are any questions, consular officers should immediately consult with a claims-taking post or the RFBO for your country.
- (a) You should take a written, dated statement from any individual who wishes to file for benefits and send that to your RFBO (for Canada to your SSA Border Office) for further action; follow RFBO guidelines if provided for this issue.
 - (b) If your post is served by a claims-taking post under a special regional arrangement, the RFBO will provide any special procedures necessary.
 - (c) When possible you should provide necessary forms, e.g., Form SS-5-FS,,, Application for a Social Security Card for SSNs and other forms SSA has provided;
 - (d) Assist in completing forms; and
 - (e) Provide information/referrals as requested.

NOTE: For additional information about non-claims taking posts see 7 FAM 536.1-2.

d. The Role of CA/OCS/L:

- (1) CA/OCS/L is the Department's liaison with the Social Security Administration as well as other Federal benefits-paying agencies and consular posts abroad, members of the public and Congress. Specifically CA/OCS/L:
- (a) Provides guidance on new or changed policies or procedures;
 - (b) Disseminates new program/benefits information;
 - (c) Assists SSA in implementing new Federal benefits programs;

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (d) Resolves problem cases referred to the Department by other Federal agencies or the consular post involved; and
 - (e) Facilitates the process of initiating negotiations on new social security (totalization) agreements, undertakes the clearance of new negotiated agreements within the Department and monitors their transmittal to the White House for submission to Congress.
- (2) In essence, CA/OCS/L shares the administrative and managerial responsibilities with the Social Security Administration and other Federal benefits-paying agencies for the Federal Benefits Programs abroad to ensure efficient and fraud-free payment of benefits as well as the provision of services.
- (3) We have also set up CA-OCS-L-FederalBenefits@state.gov, an email address within CA/OCS/L, where you may send questions and be assured that the appropriate person gets your question and responds as soon as possible. We encourage you to provide complex case examples on CA-OCS-L-FederalBenefits@state.gov so we can share them with other posts for advice/suggestions or for their information.
- e. Limitations on Consular Officers Regarding Social Security Work and Disclosure of Information:
- (1) Information, including Social Security Numbers, contained in a name-retrievable system of records that concerns a Social Security claimant or beneficiary may not be disclosed except as expressly authorized by SSA, in accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended (5 U.S.C. 552a (b)(1) - (12)), or in writing by the individual who is the subject of the record. Any unauthorized disclosure is subject to criminal penalties pursuant to 42 U.S.C. 1306(a) (Disclosure of Information in possession of Social Security Administration or Department of Health and Human Services) and 5 U.S.C. 552a (Privacy Act, as amended).
 - (2) A request for information from a law enforcement agency must:
 - (a) Be in writing on the agency letterhead;
 - (b) Specify the information/records needed;
 - (c) Be signed by an official of the requesting office; and
 - (d) Be in accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended 5 U.S.C. 552a(b)(1) - (12).
 - (3) Do not release SSA-related information to domestic, foreign or international law enforcement agencies. Refer those requests (including any documentation) to your RFBO for coordination with SSA regarding the release of the information.

7 FAM 533 DEFINITIONS

(CT:CON-332; 05-26-2010)

Beneficiary: A person who is entitled to Social Security benefits.

Claimant: A person who is applying for Social Security benefits, whether on his/her own Social Security record or on the record of a worker upon whom the applicant is or was dependent.

Claim number: Social Security Number (SSN) of the worker, living or deceased, on whose record the benefits are claimed and an alphabetical suffix assigned by SSA identifying the type of benefit involved. (For example: 000-00-000A.)

Covered employment or self-employment: Employment or self-employment that is subject to the payment of U.S. Social Security taxes. (Voluntary contributions cannot be made to the U.S. Social Security program.)

Disability: For claims filed on or after July 1965, disability means the inability to engage in substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than 12 months. For widows and widowers, the disability must begin within a certain prescribed period.

Foreign Service Post (FSP): U.S. embassy or consulate abroad.

Representative payee: A person, agency, organization or institution who receives and manages benefits on behalf of a child or an incapable adult beneficiary.

Worker: The holder of a Social Security account number, male or female, living or deceased, who engaged in employment or self-employment covered under the Social Security Act and acquired coverage credits toward Social Security benefits for self and dependents.

7 FAM 534 APPLICATION FOR A SOCIAL SECURITY NUMBER (SSN)

7 FAM 534.1 Kinds of Social Security Cards Issued by SSA

(CT:CON-345; 11-18-2010)

- a. SSA issues three different Social Security Number (SSN) cards. They differ only in the legend, or lack of a legend, printed on the face of the card.
- b. Cards with "no legend" are issued to:
 - (1) U.S. citizens;

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (2) Legal aliens with permanent authorization to work in the United States (i.e., permanent resident aliens, refugees and asylees); and
- (3) Citizens of Compact of Free Association countries admitted to the United States.

NOTE: Prior to May 17, 1982, all SSN cards were issued without any legend on them.

- c. Cards with the legend "Not Valid for Employment" have been issued since May 17, 1982 to aliens not authorized to work in the United States. Inform these alien applicants (original or replacement card) that:
 - (1) This legend will be printed on the card.
 - (2) DHS will be notified if earnings are reported on his/her SSN.
- d. Cards with the legend "Valid for Work Only with DHS/INS Authorization" (formerly the Immigration and Naturalization Service (INS)) have been issued since September 14, 1992 to aliens whose authorization to work in the United States is time limited (e.g., agricultural contract workers). In March 2004, the legend was changed to "Valid for Work Only with DHS Authorization."

7 FAM 534.2 Who May Apply for an SSN Abroad?

(CT:CON-332; 05-26-2010)

- a. The following applicants may apply for an original SSN abroad:
 - (1) U.S. citizens and legal permanent residents; and
 - (2) Nonresident aliens who have a valid current need for an SSN, (e.g., claimants for dependents and survivors benefits for whom an SSN is required to receive benefits.)
- b. For nonresident aliens the only valid need for an SSN is if Federal law requires them to provide their SSN to receive a particular benefit. They must have filed an application and met all the required criteria for the particular benefit to be eligible for an SSN.
- c. Nonresident aliens do not need a SSN to:
 - (1) Be claimed as a dependent on a U.S. tax return;
 - (2) Be claimed as an exemption as a spouse of a U.S. taxpayer;
 - (3) File a joint tax return as the spouse of a U.S. taxpayer;
 - (4) Register at, or apply for admission to, a U.S. school; and
 - (5) Conduct business with a U.S. bank or financial institution.
- d. Consult with your RFBO for any other reasons for which you believe SSNs may not be necessary.

NOTE: Immigrant visa holders cannot be issued SSNs until AFTER

they have actually been admitted to the United States.

7 FAM 534.3 Applications for a Social Security Number (Form SS-5-FS)

(CT:CON-503; 02-07-2014)

a. Completed SSA Form SS-5-FS,,, Application for a Social Security Card:

- (1) Everyone who applies for an original SSN must complete (type or clearly block print in blue or black ink) and sign an Form SS-5-FS... (This form is also used for those applying for a replacement or corrected card.) In the rare case where a question cannot be answered, "unknown" should be entered.
- (2) Social Security Numbers for U.S. Citizen Minors Born Abroad: The combined application for a Social Security Number and a Consular Report of Birth Abroad of a Citizen of the United States was abolished effective November 20, 2006 following the enactment of the REAL ID Act of 2005 (Public Law 109-13, 119 Statutes at Large 231) and the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458, 118 Statutes at Large 3638 (42 U.S.C. 405, 22 U.S.C. 4805 and 22 U.S.C. 4808). (See 7 FAM 1440 for guidance about applications for a Consular Report of Birth Abroad of a Citizen of the United States.)

NOTE: An in-person interview must be conducted if the applicant is age 12 or older and applying for an original Social Security Number (SSN) as explained in 7 FAM 534.3 e.

b. Evidentiary Requirements: SSA requirements regarding evidence of identity for an SSN card in the SSA Program Operations Manual System (POMS) on the SSA Policy Information Internet site. POMS are the internal operating instructions used by SSA field employees when processing claims for Social Security benefits. Your RFBO will provide specific guidance about SSA requirements. In summary:

- (1) All applicants for an original SSN (including those under age 12) must submit documentary evidence of:
 - (a) Age;
 - (b) Identity (including legal name); and
 - (c) U.S. citizenship; current, lawful work authorized legal alien status; or a current valid need for an SSN as explained in 7 FAM 534.2 b.
- (2) Applicants are required to produce at least two different documents to establish identity, age, and citizenship/alien status. Oftentimes, a single document, i.e., a valid passport, fulfills more than one evidentiary requirement. Information on the documents that applicants must submit to establish age, identity and citizenship and work-authorized legal alien

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

status is shown in 7 FAM 534.3 b (4) (5) and (6) below.

- (3) Although originals of evidentiary documents may be sent to SSA, copies of originals certified by the posts and military personnel are preferred to avoid the loss of originals. Post certification of evidentiary documents is not a notary service, and no fee is charged. Foreign language documents are acceptable, and may be translated by post or U.S. military personnel. SSA will determine whether or not the evidence submitted meets SSA's requirements for issuance of a Social Security number.
- (4) Evidence of Age: All applicants for an original SSN must submit evidence of their age. In general, SSA prefers that the applicant submit a public birth record established before the age of 5 as evidence of age. If the applicant does not have a public birth record or cannot readily obtain one, ask him or her to submit other evidence of age as follows:
 - (a) Religious record established before age 5 which shows the applicant's age or date of birth
 - (b) Form FS-240 (Consular Report of Birth Abroad of a Citizen of the U.S.) established before age 5
 - (c) Form DS-1350 (Certification of Report of Birth);
 - (d) Hospital record of birth made at the time of the applicant's birth;
 - (e) Birth record established at or after age 5;
 - (f) U.S. immigration document or record;
 - (g) U.S. naturalization record;
 - (h) Passport; and
 - (i) Final adoption decree showing the applicant's name and date of birth.If none of the above evidence is available, ask the claimant to submit other evidence. Some of the evidence that SSA may accept is:
 - (j) Marriage record;
 - (k) Driver's license;
 - (l) Birth certificate of applicant's child showing applicant's date of birth or age at the time of the child's birth; and/or
 - (m) Identity card.
- (5) Evidence of Identity – General Requirements:
 - (a) All applicants for original or replacement SSN cards must submit evidence of their identity. Generally, SSA prefers to see documents issued in the United States.
 - (b) Applicants applying outside the United States may submit foreign-issued documents. Only certain documents may be acceptable to SSA based on the person's age and citizenship status.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (c) Documents submitted to establish identity must contain the applicant's legal name and provide biographical information (i.e., date of birth, age or parents' names) and/or a physical description.

NOTE: For the purposes of 7 FAM 530, for SSA. Generally, a person's legal name is the name shown on his or her birth certificate unless changed by a legal action such as marriage, divorce or court order.

- (d) If the applicant submits a picture identity card, but does not appear in person, the document must also show his or her biographical information.
 - (e) Identity documents must be of recent issuance. Thus, documents such as passports and U.S. immigration documents must be unexpired if submitted as evidence of identity. Documents without an expiration date should have been issued within the past 2 years for adults or within the past 4 years for children.
 - (f) Consider the basis of issuance of the document. Documents should be based on acceptable documentary evidence.
 - (g) Ask the applicant to submit his or her unexpired U.S. driver's license; U.S. State-issued non-driver identity card; or U.S. passport.
 - (h) If the applicant does not have one of these documents, ask him or her to submit various combined other documents such as: U.S. immigration document (current); Foreign passport (unexpired); Foreign Driver's license (unexpired); U.S. military ID card; U.S. Employee ID card; Foreign ID card; Life insurance policy; Final adoption decree (if not used to establish age or date of birth); Marriage/divorce records.
 - (i) SSA may accept medical records (clinic, doctor, or hospital) as long as the medical provider maintains them. SSA may also accept school ID cards and school records maintained by the school.
 - (j) If the applicant is not a U.S. citizen we must see current U.S. immigration document, foreign passport, foreign driver's license or foreign ID card with biographical information.
 - (k) SSA cannot accept a birth certificate/record, hospital souvenir birth certificate, Social Security Card or card stub, or Social Security record as evidence of identity.
- (6) Evidence of Citizenship or Alien Status
- (a) If the applicant is a U.S. citizen, SSA may accept the applicant's U.S. public birth certificate established before age 5; U.S. passport (expired passport is acceptable); Consular Report of Birth Abroad; Certificate of Citizenship; Certificate of Naturalization; or U.S. consular official's statement for derivative citizenship (this is acceptable evidence only for an applicant outside the United States)

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (b) If the applicant is not a U.S. citizen, he or she must submit a current document issued by DHS showing the applicant's immigration status, such as a Form I-551 or Form I-766. SSA cannot accept a receipt showing that the applicant has applied for one of these documents.
 - (c) If the applicant does not have DHS authorization to work in the U.S., SSA can issue an SSN or replacement card only if he or she has a current valid non-work reason for the card (see 7 FAM 534.2 b).
- c. Application for an original SSN for a person under age 18:
- (1) Both parents' SSNs must be provided on an application for an original SSN for a child under age 18, unless the applicant has an acceptable reason for not providing it.
 - (2) Acceptable reasons for not providing both parents' SSNs on a child's application for an original SSN card are:
 - (a) The parent is deceased;
 - (b) The parent does not have an SSN and is not applying for one; or
 - (c) The parent's SSN is not known or the applicant is not a parent of the child and cannot be expected to be able to obtain the SSN.
 - (3) If the applicant has an acceptable reason for not providing a parent's SSN, check "unknown SSN or None" in 9.B. or 10.B. as appropriate. Annotate the entry, "FSP WRITE-IN."
 - (4) Do not enter "unknown" unless one of the reasons above applies.
 - (5) If the parent has an SSN, but does not know it, he or she must provide the following information about him or herself on an SSA-295 or on a separate sheet:
 - (a) Reason why you are not providing your SSN
 - I do not have an SSN_____
 - I do not know my SSN_____
 - Other (explain) _____
 - (b) Your identifying information (This allows SSA to search its records for an SSN):
 - Your full first, middle, and last name:
 - Your date of birth:
 - Your place of birth:
 - Your mother's full first, middle, and maiden name:
 - Your father's full first, middle, and last name:
 - (c) Reason why you are not providing the other parent's SSN:

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Other parent does not have an SSN_____

Other parent's SSN is not known_____

Other (explain)_____

- (d) Other parent's identifying information (This allows SSA to search its records for an SSN)

Other parent's full first, middle, and last name:

Other parent's date of birth:

Other parent's place of birth:

Other parent's mother's full first, middle, and maiden name:

Other parent's father's full first, middle, and last name:

NOTE: SSA will search its records for the parents' SSNs. If the parent is unwilling to supply his or her SSN or the identifying information requested above, forward the application to SSA indicating that he or she is unwilling to provide the necessary information.

- (6) When the applicant is not the parent, obtain the following information on an SSA-795 or on a separate page:

- (a) Mother's SSN not provided:

Mother does not have an SSN.

Mother's SSN is not known.

Other (explain)

- (b) Father's SSN not provided:

Father does not have a SSN.

Father's SSN is not known.

Other (explain)

NOTE: If a parent is filing for a Social Security Number at the same time as his/her child, send both applications to SSA at the same time. Do not hold up the child's application for issuance of an SSN to the parent.

d. Signing the Application:

- (1) The applicant's name should be signed the way he or she usually writes it. Applicants age 18 or over who are physically and mentally capable of reading and completing Form SS-5-FS must sign the application on their own behalf. If an individual is unable to file an application on his or her own behalf, a Form SS-5-FS may be signed by the applicant who can establish relationship to and custody/responsibility for the individual, and who is highest on the priority list below:

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (a) A court-appointed legal guardian (individual or an agency) always has priority over any other proper applicants;
 - (b) A parent (natural, adoptive or step) with custody of a child;
 - (c) Administrator of an individual's (adult or child) estate;
 - (d) A brother, sister, grandparent, aunt, or uncle with custody of a child;
 - (e) A State agency (including State foster care and child protective service agencies, State mental institutions or hospitals or State adoption agencies) or a State licensed agency (including State contractors and private adoption agencies) if it has legal custody of the individual (adult or child); or
 - (f) An individual who applies on behalf of another individual (adult or child) who can establish relationship and responsibility. In such cases, evidence of the signer's authority to sign on behalf of the person to whom the card will be issued (e.g., a minor child's birth certificate establishes the authority of a parent to sign on behalf of the child) must be submitted with the application. In addition, different documents must be submitted as proof of identity for both the applicant and the person to whom the card will be issued.
- (2) The applicant must sign and date the form. Item 2 must show a complete and legible address to which the card is to be mailed.
 - (3) A child of any age may sign the application if physically or mentally able to do so.
 - (4) An application signed by a mark ("X") must be witnessed by you. (Other witnesses are not necessary when signed before a Consular Officer.)

e. In-Person Interview:

- (1) All applicants for an original SSN (i.e., the person to whom the SSN is to be assigned) who are age 12 and older must be interviewed in person by:
 - (a) A consular or diplomatic officer;
 - (b) A consular associate;
 - (c) A consular agent;
 - (d) An SSA Regional Federal Benefits Officer (RFBO);
 - (e) A locally employed staff (LE staff) in the Federal Benefits Unit (FBU); or
 - (f) A designated U.S. military personnel abroad.
- (2) The in-person interview is intended to:
 - (a) Locate a prior SSN by helping the applicant recall circumstances under which an SSN may have been issued to him or her (e.g., an SSN may have been obtained for employment, a bank account, driver's license,

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

or school in the United States); and

- (b) Prevent the assignment of an SSN to an individual assuming a false identity.
- (3) The interviewer will corroborate statements and evidence supporting the application. The interviewer will complete and sign the Mandatory In-Person Interview Worksheet (7 FAM Exhibit 530 (D)) to indicate whether the:
 - (a) Applicant was personally interviewed;
 - (b) Applicant's identity was verified (e.g., with a Government-issued ID);
 - (c) Applicant did/did not provide any information that would indicate that an SSN might have been issued to him or her (provide information on situations in which an SSN may have been issued); and
 - (d) Applicant did/did not provide adequate responses to the interview questions (report any problems with the interview responses).
- (4) Forward the Mandatory In-Person Interview Worksheet along with the completed SS-5-FS and documentation to SSA according to 7 FAM 534.3 g.
- f. If an applicant fails to appear for his/her interview, the application will be denied.
- g. Sending Applications for SSNs to SSA:
 - (1) Review each Form SS-5-FS for completeness before forwarding it to the office shown below. A form that is incomplete or not signed by the applicant should be returned to the applicant for completion. Advise him or her why the application is being returned. Do NOT give the completed Form SS-5-FS and copies of the supporting evidence to the applicant to forward to SSA, the RFBO or another post.
 - (2) Send completed Form SS-5-FSs and certified copies of the supporting documents to the office servicing the area where the application was filed as follows:
 - (a) Canada and Mexico: SSA field office currently assigned to your post. (This may change pursuant to local conditions. Your SSA contact will keep you apprised of any changes.)
 - (b) Philippines:

Social Security Administration
U.S. Embassy Manila
1201 Roxas Boulevard
Ermita 0930 Manila,
Philippines
 - (c) All others locations: (Unless RFBO instructions state otherwise.)

Social Security Administration

UNCLASSIFIED (U)

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Office of International Operations
P.O. Box 17775
Baltimore, MD 21235-7758

- h. Advise applicants (or persons completing applications for such persons) who were born in the United States that there will be a delay in issuing them SSN cards. SSA must verify the U.S. birth record with the custodian of the record before it can process the SSN application. For purposes of this definition, the United States includes the 50 States, the District of Columbia, American Samoa, Guam, the Northern Marianas, Puerto Rico and the U.S. Virgin Islands.
- i. SSA will mail the Social Security card directly to the applicant at the address shown in Item 2 of the completed Form SS-5-FS...
- j. Limits on Replacement Social Security Cards
 - (1) The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) limits the number of replacement SSN cards a person may receive to 3 replacement cards in a year and 10 during his or her lifetime. This limit is effective with cards issued after December 16, 2005.
 - (2) Legal name changes and changes in immigration status that result in a change to, or removal of, a restrictive legend on the SSN card will not count towards these limits. Also, SSA has the authority to allow for exceptions and issue a replacement SSN card beyond the limits. Valid exceptions include name changes, legend change, non-receipt of an SSN card, SSA mistake and if the person can prove that the card is needed to avoid significant hardship.
 - (3) Although a post may not be aware that a person has met the yearly or lifetime limits until after the application and evidence have been submitted to SSA, it is important to be aware of the limits.
 - (4) If the individual wants a change in his or her identifying information (e.g., date of birth) on SSA's record but does not need a replacement card, SSA can make the change, assuming the necessary application and evidence are submitted, and suppress the SSN card.

NOTE: Generally, only U.S. citizens and permanent resident aliens will be issued a replacement Social Security card.

- k. Replacement SSN Card - Same Name and Number as Previous Card:
Requirements: Completed Form SS-5-FS... (Typed or clearly block printed in black or blue ink):
 - (1) Applicants must submit proof of identity (in the legal name);
 - (2) Foreign-born U.S. citizens must also submit evidence of their U.S. citizenship;
 - (3) Aliens must submit, in addition to evidence of identity, proof of current permanent work-authorized legal alien status (i.e., Form I-551, Permanent

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Resident Card) or a new (different), current valid nonwork need for a Social Security card. (NOTE: Legal permanent residents can apply for a replacement SSN card through the regular Form SS-5-FS process while outside the United States; nonimmigrants can apply only if they have a new (different) current valid non-work need for a Social Security card (e.g., entitlement to title II benefits.) See 7 FAM 534.2b;

- (4) All applicants must sign and date the form (e.g., a child of any age may sign the application if physically or mentally able to do so);
- (5) If the applicant is unsure if a prior SSN application was processed; or if an application was submitted, but no SSN card received, treat as a new application.

l. Replacement SSN Card - Change of Information: Same Number but Different Name than Previous Card: Requirements: Completed Form SS-5-FS (typed or clearly block printed in black or blue ink). Anyone who has been assigned a Social Security Number can apply for a replacement card for name change provided acceptable evidence of a legal name change is submitted. A replacement SSN card showing the legal name will be issued in all instances except to nonimmigrant aliens who do not submit evidence of a new (different), current valid need for a replacement card. However, their Social Security records will be updated.

m. Evidence of Legal Name Change: When the applicant requests an SSN card in a name different from the name on the latest SSA record, ask the person to submit one of the following documents as evidence of a legal name change:

- (1) Marriage document or marriage record;
- (2) Divorce decree;
- (3) Certificate of Naturalization;
- (4) Court order for a name change; or
- (5) Amended/corrected birth certificate

(6) All applicants must submit proof of identity. That is:

- (a) One legal name-change document with both the applicant's old name shown on SSA's records and the new name (e.g., a marriage or divorce record or a court order of name change); The document must also show either (1) a description or picture of the person or (2) biographical information (i.e., date of birth, age or parents' names) that can be compared to SSA's records. Generally; when the legal name change document shows biographical information and meets the general identity requirements of 7 FAM 534.3 (b)(5); it is also acceptable as an identity document and the person does not need to also submit an additional document as listed in 7 FAM 534.3 (b)(5); or
- (b) Generally, if the name change document does not show either a

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

picture of the person or biographical information or does not meet the general identity requirements (7 FAM 534.3 (b) (5)), the applicant must submit two identity documents, one showing his/her old name and one showing the new name. The identity documents must show either a picture of the person or biographical information that can be compared with SSA's records.

- (c) If the applicant does not have evidence of his/her old name or does not provide evidence to resolve the discrepancy, contact your RFBO for assistance.
- (d) Aliens must also submit proof of current permanent work-authorized legal alien status (i.e., Form I-551, Permanent Resident Card) or a current valid non-work need for a Social Security card.
- (e) Foreign-born U.S. citizens must also submit evidence of their U.S. citizenship.
- (f) The applicant must sign and date the application (a child of any age may sign the application if physically or mentally able to do so).

7 FAM 535 SSA BENEFIT PROGRAMS AND SERVICES FOR BENEFICIARIES ABROAD

7 FAM 535.1 Retirement Insurance (also known as Old Age Insurance) Benefits

(CT:CON-332; 05-26-2010)

- a. Monthly benefits are payable to insured workers who have reached full retirement age and to those who retire at or after age 62 at a reduced benefit level.

If The Birth Date is...	The Full Retirement Age is...
1/1/38 or earlier	65
1/2/38 thru 1/1/39	65 years and 2 months
1/2/39 thru 1/1/40	65 years and 4 months
1/2/40 thru 1/1/41	65 years and 6 months
1/2/41 thru 1/1/42	65 years and 8 months
1/2/42 thru 1/1/43	65 years and 10 months
1/2/43 thru 1/1/55	66 years
1/2/55 thru 1/1/56	66 years and 2 months
1/2/56 thru 1/1/57	66 years and 4 months
1/2/57 thru 1/1/58	66 years and 6 months
1/2/58 thru 1/1/59	66 years and 8 months
1/2/59 thru 1/1/60	66 years and 10 months

UNCLASSIFIED (U)

1/2/60 and later	67 years
------------------	----------

- b. Questions about an applicant's eligibility may be referred to the claims-taking post/RFBO or the applicant may contact the claims-taking post directly via e-mail or phone. (See 7 FAM 536.1-2 for more information.)
- c. The Social Security Administration Internet Web site provides information on how a person can obtain a statement of his/her year-by-year earnings under U.S. Social Security and estimates of the benefit payments he or she and his/her family may qualify for now or in the future. (See: Your Social Security Statement.)

7 FAM 535.2 Survivors/Dependents Benefits

(CT:CON-332; 05-26-2010)

Monthly benefits are payable to certain dependents and survivors of workers who are entitled to retirement or disability benefits or who are deceased. These dependents may be:

- (1) A wife or husband age 62 or older, even if there are no children entitled to payments;
- (2) A wife, widow, husband, or widower regardless of age, if caring for a child under age 16 or disabled, who is entitled to benefits based on the worker's record;
- (3) A widow or widower age 60 or older, even if there are no children entitled to payments;
- (4) A divorced spouse age 62 or older, if unmarried, who had been married to a worker for at least 10 years before the date the divorce became final;
- (5) The divorced spouse of a worker (one who is not entitled to retirement or disability benefits) can become entitled to benefits only if the worker is age 62 or older, and if the divorce has existed for at least two years;
- (6) A surviving divorced spouse who is unmarried if caring for his/her natural or adopted child who is entitled to child's benefits on the worker's account; There is no 10-year marriage requirement.
- (7) A surviving divorced spouse age 60 or older, if unmarried, who had been married to the worker for at least 10 years before the date the divorce became final;
- (8) A widow, widower or surviving divorced spouse at least age 50, but not 60, who becomes disabled no later than 7 years after the death of the worker or no later than 7 years after the last month the widow or widower was last entitled to benefits on the worker's account;
- (9) Unmarried children under age 18, and certain full-time high school students up to age 19;

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (10) Unmarried sons and daughters age 18 or older who were severely disabled before they reached age 22;
- (11) Unmarried grandchildren, under the same conditions as h. and i. above, if they began living with the grandparent prior to age 18 and lived with and were supported by the grandparent in the United States for the year before the grandparent became entitled to benefits, died or became disabled, and both their parents are either deceased or disabled; and
- (12) Dependent parents age 62 or older after a worker dies.

7 FAM 535.3 Disability Insurance Benefits

(CT:CON-332; 05-26-2010)

Monthly benefits are payable to insured workers who become severely disabled prior to full retirement age. (See SSA Handbook Chapter 5 and Chapter 6 for more information.)

7 FAM 535.4 Medicare--Hospital and Medical Insurance for the Aged and Disabled

(CT:CON-402; 03-15-2012)

- a. Medicare is a four-part insurance program that helps pay the cost of health care in the United States for persons age 65 and older, for persons receiving disability benefits for 24 months or more, and for persons suffering severe kidney disease or Amyotrophic Lateral Sclerosis (ALS). It does NOT cover health services obtained outside the United States (except under limited circumstances when services are furnished in Canada, Mexico, in some cases in the Caribbean, or aboard ships in U.S. territorial waters).
- b. Medicare is administered by the Centers for Medicare and Medicaid Services (CMS). SSA determines eligibility. An individual who has questions regarding insurance coverage and reimbursement amounts and is located in and calling from the United States should contact CMS at 1-800-Medicare.

7 FAM 535.5 Black Lung Disease Benefits

(CT:CON-519; 06-25-2014)

- a. Since July 1, 1973, the Department of Labor has administered the Black Lung Program. Previously SSA administered the program. SSA continues to be responsible for miners' claims filed before July 1, 1973, and for claims by survivors of miners who filed before that date.
- b. Monthly benefits are payable to:
 - (1) A coal miner who is totally disabled due to pneumoconiosis (black lung disease), resulting from employment in U.S. coal mines. The miner's

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

payment may be augmented to provide for a dependent wife, a divorced wife, or children, or

- (2) The widow, child, surviving divorced wife, parent, brother, or sister of a miner who:
 - (a) Was entitled to black lung benefits at the time of death, or
 - (b) Was totally disabled by pneumoconiosis at the time of death, or
 - (c) Died from pneumoconiosis.

- c. Following the Supreme Court's decision in United States v. Windsor, guidance may be forthcoming from the administering agencies regarding the availability of benefits for same sex spouses. Benefits should be made available in accordance with such guidance.*
- d. See 7 FAM 560 for additional guidance about Department of Labor Federal benefit programs.*

7 FAM 535.6 Supplemental Security Income Benefits

(CT:CON-332; 05-26-2010)

- a. The Supplemental Security Income (SSI) program, administered by SSA, helps the aged, blind, and disabled to maintain a statutory level of annual income. Payments are made to eligible spouses, but not to any other dependents or survivors. A beneficiary must be present in the United States and be a U.S. citizen or a legal permanent resident alien. However, see 7 FAM 535.6(b)(1) below for an exception for children of military personnel.
- b. Beneficiaries lose their eligibility after they have been abroad for 30 days. They are not entitled to benefit payments if they are outside the United States, and they must re-qualify after returning to the United States. However, exceptions to the nonpayment provision are made for certain children. A child may receive SSI benefits outside the United States if the child is:
 - (1) A blind or disabled child who is a U.S. citizen and is living with a parent who is a member of the U.S. Armed Forces assigned to permanent duty outside the United States. The child must also have been eligible to receive SSI benefits in the month before the parent reported for duty outside the United States. For applications filed after March 2, 2004, certain blind or disabled children of military personnel who were born overseas, who became blind and disabled while overseas, who first applied for SSI benefits overseas, and who were not eligible for SSI benefits the month before the parent reported for the military assignment, may receive SSI benefits contingent upon all other factors of eligibility if he/she is:
 - (a) A United States citizen; and
 - (b) Living with a parent who is a member of the armed forces of the United States assigned to permanent duty ashore anywhere outside

UNCLASSIFIED (U)

the United States.

- (2) A student under age 22 who is a U.S. citizen will not lose SSI eligibility for up to 12 months if he/she:
 - (a) Is taking part in an overseas educational program that is supported by a school, college, or university from the United States and is not available to the individual in the United States;
 - (b) Is in an educational program designed to substantially enhance his/her ability to engage in gainful employment; and
 - (c) Must have been eligible to receive SSI benefits in the month before the first full month he or she was outside the United States.

<p>NOTE: SSI checks are rainbow-colored and are distinguished by the blue envelopes in which they are mailed; if any are encountered abroad, for other than children noted above, SSA should be alerted at once through your Regional Federal Benefits Officer.</p>
--

7 FAM 535.7 Special Veterans Benefits

(CT:CON-456; 05-02-2013)

Monthly benefits are payable to certain veterans of World War II who reside outside the United States. (These cases occur almost exclusively in the Philippines.) To qualify for special veterans benefits (SVB), a person must:

- (1) Have been age 65 or older on December 14, 1999;
- (2) Be a World War II veteran (This includes Filipino veterans of World War II who served in the organized military forces of the Philippines while the forces were in the service of the U.S. armed forces, or served in organized guerrilla forces under the auspices of the U.S. military.);
- (3) Be eligible for SSI benefits for December 1999;
- (4) Be eligible for SSI benefits for the month in which he or she files an application for special veterans benefits; and
- (5) Have other benefit income that is less than 75 percent of the SSI Federal benefit rate. For 2013, 75 percent of the SSI Federal benefit rate is \$532.50.

7 FAM 535.8 Lump-Sum Death Payments

(CT:CON-332; 05-26-2010)

A lump-sum death payment of up to \$255 may be made after the worker's death to a surviving spouse or child in this order of priority:

- (1) To a surviving spouse who was living in the same household as the worker at the time of death;

UNCLASSIFIED (U)

- (2) To a surviving spouse who was entitled to or eligible for benefits as a widow(er) or mother or father on the worker's earnings record for the month of death; or
- (3) If no spouse survives, to a child (or children) of the worker who was entitled to or eligible for benefits on the worker's earnings record for the month of death.

NOTE: Claims for the lump-sum death payment must be filed within two years of the death of the worker.

7 FAM 535.9 Totalization Agreements

(CT:CON-407; 06-29-2012)

- a. The United States has a number of bilateral social security agreements that coordinate the U.S. Social Security program with the social security programs of other countries. The agreements, usually referred to as "totalization agreements," have two main purposes.
 - (1) They eliminate dual social security coverage, the situation that occurs when a person from one country works in another country and is required to pay social security taxes to both countries on the same earnings. Each agreement includes rules that assign a worker's coverage to only one country.
 - (2) They help fill gaps in benefit protection for people who have divided their careers between the United States and another country. Such workers may fail to qualify for social security benefits from one or both countries because they have not worked long enough to meet minimum eligibility requirements. Under an agreement, each country can count credits in the other country if it will help a person qualify for benefits. Although each country may count credits in the other country, credits are not actually transferred from one country to the other. Visit: U.S. International Social Security Agreements Web site for information about guidance to beneficiaries in countries with agreements.
- b. Questions from posts about negotiation or implementation of a totalization agreement prior to its entry into force should be directed to CA/OCS/L at CA-OCS-L-FederalBenefits@state.gov.
- c. The United States has totalization agreements with the following countries:

Country	Entry Into Force
Poland	March 1, 2009
Czech Republic	January 1, 2009
Denmark	October 1, 2008
Japan	October 1, 2005
Australia	October 1, 2002
Chile	December 1, 2001

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

South Korea	April 1, 2001
Greece	September 1, 1994
Luxembourg	November 1, 1993
Ireland	September 1, 1993
Finland	November 1, 1992
Austria	November 1, 1991
Netherlands	November 1, 1990
Portugal	August 1, 1989
France	July 1, 1988
Spain	April 1, 1988
Sweden	January 1, 1987
United Kingdom	January 1, 1985
Canada	August 1, 1984
Norway	July 1, 1984
Belgium	July 1, 1984
Switzerland	November 1, 1980
Germany	December 1, 1979
Italy	November 1, 1978

- d. U.S. Social Security Statements do not include credits or earnings from other countries. If SSA needs to count foreign credits to help a person qualify for U.S. benefits, SSA will obtain the record of foreign credits from the other country when the person files for benefits.

7 FAM 535.10 Centenarian Certificates

(CT:CON-332; 05-26-2010)

- a. SSA awards special certificates to beneficiaries who are 100 years old or older. Each year SSA identifies those who have reached 100 and a Centenarian Certificate is prepared and forwarded to the Regional Federal Benefits Officer who forwards it to the appropriate post for presentation.
- b. If you have a beneficiary who is 100 or older and has not received a certificate, send the following information to the RFBO for forwarding to the Office of International Operations:
- (1) Name;
 - (2) Social Security Number;
 - (3) Claim number; and
 - (4) Personal information about individual that identifies the person including ID, passport, and recent photos.

7 FAM 536 APPLYING FOR BENEFITS AND THE CONSULAR OFFICER'S ROLE

7 FAM 536.1 Applying for Benefits

(CT:CON-332; 05-26-2010)

Always include the SSN on which the claim has been/is being filed on each page of material (e.g., letters, statements, medical evidence and certifications) sent to SSA, an RFBO or a claims-taking post.

7 FAM 536.1-1 Claims-Taking Posts

(CT:CON-456; 05-02-2013)

- a. Some posts with many Social Security claimants and beneficiaries have personnel who have been specially trained by SSA to develop formal applications for Social Security benefits. These posts stock forms used to apply for Social Security retirement, disability, and survivor benefits. Most are also available at the SSA online forms page.
- b. Designated posts in the following countries have been trained in developing claims for Social Security benefits:

Europe	Western Hemisphere	East Asia and Pacific	Near East and South and Central Asia
Austria France Germany Greece Ireland Italy Norway Poland Portugal Spain United Kingdom	Argentina Costa Rica Dominican Republic Mexico	Hong Kong Manila Tokyo	Jerusalem

- c. In the Philippines, such work is conducted at the U.S. Embassy Social Security Office at Manila.

7 FAM 536.1-2 Nonclaims-Taking Posts

(CT:CON-504; 02-21-2014)

- a. Nonclaims-taking posts are serviced by claims-taking posts, which may or may not have a Regional Federal Benefits Officer stationed in them.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- b. When an individual visits or telephones the post about filing for benefits, ascertain if he or she is within 4-5 months of the age required for entitlement to benefits, or older. (See 7 FAM 535.)
- c. When the inquirer meets the age requirement, or when there is no age requirement for the benefits:
 - (1) If the individual visits the post, take a written statement from the applicant in lieu of a formal application, the statement must:
 - (a) Express the writer's intent to claim Social Security benefits for himself/herself or on behalf of another;
 - (b) Include the worker's Social Security Number;
 - (c) Include the claimant's address and a telephone number where he or she can be reached;
 - (d) Be signed by the claimant, a spouse, a legal representative, legal guardian, or, in the case of a child, a parent. The name of an applicant who signs by mark or fingerprint must be shown on the signature line. Your signature as a witness will suffice if you are satisfied as to the applicant's identity; and
 - (e) Be date-stamped by the post.

For example:

"I, John M. Deere, SSN 000-00-000, wish to file for SSA child's benefits for my son, John M. Deere, Jr."
--

- (2) The written statement may be in English or the local language with an English translation. Translations prepared by the post are acceptable to SSA and will help avoid delays within SSA. The individual should not be asked to sign a statement in a language unfamiliar to him or her. The claimant or post should send the completed statement as indicated in c.(5) below.
- (3) If the inquirer telephones the post: For telephone inquiries contact the local Regional Federal Benefits Officer for instructions on how to record a claimant's intent to file for benefits.
- (4) If the inquirer emails or writes to the post: Date-stamp the letter or e-mail; and forward it as indicated in 7 FAM 536.1-2 c (5) below.
- (5) Forward the information mentioned in 7 FAM 536.1-2 c (2), c (3) and c (4) above based on current agreements with the RFBO and/or current established practice.
- (6) If the agreement is to forward the information to the Office of International Operations, use the following address:

Social Security Administration Office of International Operations
--

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

P.O. Box 17775
Baltimore, MD 21235-7775

- (7) In some instances, you may have to send the claimant to a claims-taking post, which will develop the claims. Consult your RFBO for advice about where to send the documents.
 - d. Subsequent correspondence will normally be handled directly between the claimant and SSA.
 - e. When inquirer does not meet the age requirement for entitlement to benefits:
 - (1) Advise him or her to contact SSA 4-5 months prior to meeting the age requirement;
 - (2) Suggest that the inquirer obtain a birth certificate, or a religious record of birth (e.g., baptismal certificate) to submit to SSA when he or she files for benefits. SSA will advise the inquirer of any other documents that are needed when he or she files for benefits; and
- NOTE:** Information regarding U.S. birth records by state or other U.S. jurisdiction is available on the State Department Internet Web site.
- f. If the claimant requests additional help, the consular officer should provide appropriate assistance and advice on the types of documentary evidence that may be submitted to prove age, death, marriage, divorce, dependence, or income (e.g., W-2 forms or tax returns). Alert your RFBO to any doubts about the reliability of these documents.

7 FAM 536.2 What is the Consular Officer's Responsibility in Obtaining Evidence?

(CT:CON-345; 11-18-2010)

- a. Normally, the claimant is responsible for submitting evidence of entitlement to Social Security benefits. Claims-taking posts have access to SSA's Program Operations Manual System (POMS) that provides information about evidence required for specific programs and benefits. Occasionally, SSA asks the post to obtain evidence to ensure that a correct determination is made.
- b. If the post has obtained evidence at the specific request of SSA, (see 4 FAM 453) for reimbursement procedures.
- c. Documents Submitted to Post: The claimant should submit the original documents. If the claimant does not wish to relinquish an original, SSA will accept a copy or excerpt if certified as explained in 7 FAM 536.2 paragraphs d, e, f, g, h, and i below.
- d. DHS has authorized SSA to photocopy certificates of naturalization and other DHS documents, provided the copy will never be released or made available to anyone and will be retained as part of SSA's official records.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- e. When you make a copy or excerpt of a document, send the certified copy or certified excerpt directly to SSA. Do not give it to the claimant to mail to SSA.
- f. SSA regulations on the certification of documents require the certifying employee to comment on the genuineness of the original document, and to state whether it appears to be unaltered AND to have been made at the time purported. If the document contains a seal that does not reproduce, record the information on the photocopy.
- g. The certifying employee can accept a photocopy submitted by the claimant if the original is also submitted for comparison. Any missing items must be written in and initialed by the certifying employee. The statement about genuineness is construed to mean that all requirements, such as the presence of a raised seal, have been met. Indicate specifically any discrepancies.
- h. The following statement must be used when certifying documents:

The original document (or record) of which this is a copy (or, from which this excerpt was taken) appears to be genuine and unaltered and to have been made at the time purported. This document consists of ____ pages.

Signature_____

Title_____

Post_____

Date_____

- i. This certification process is not a notarial function and no fee is charged.

7 FAM 536.3 What is the Role of the Consular Officer in Validating Evidence?

(CT:CON-332; 05-26-2010)

- a. Sometimes SSA cannot accept at face value a document submitted by a claimant because its authenticity is questionable. Therefore, you may be asked to examine the source record to determine the validity of a birth, marriage, or death certificate or other document purportedly issued by the custodian of the record. Usually, a copy of the questionable certification will be enclosed. If a copy is not available, a complete description will be provided.
- b. In response to SSA's request, it may be necessary for you to visit the custodian of the record, examine the source record and report to SSA whether the:
 - (1) Document is bound and intact;
 - (2) Entry under examination is on a page in proper chronological order with other pages;
 - (3) Entry is in proper chronological sequence with other items on the same page;
 - (4) Entry is within the borders and margins of the page;

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (5) Entry is in the same ink and handwriting as the entries preceding and following it;
- (6) Entry contains any erasures or corrections, and if so, what they are;
- (7) Source record appears authentic and made at the time purported; or
- (8) Original record agrees in every detail with the certification, or if not, how the difference can be explained.

c. Reply directly to SSA.

7 FAM 536.4 What is the Role of the Consular Officer in Obtaining Medical Evidence in Disability Cases?

7 FAM 536.4-1 Claimant's Responsibilities

(CT:CON-332; 05-26-2010)

Claimants for disability benefits have the primary responsibility to:

- (1) Provide medical evidence to document their disability claims including complete information about the medical providers who treated them;
- (2) Request reports from physicians and medical facilities when specifically asked; and
- (3) Appear for consultative examinations when requested

7 FAM 536.4-2 Consular Officer Assistance

(CT:CON-332; 05-26-2010)

SSA may submit Form SSA-423-U6, Request for Services to the Department of State specifying the type of records, examination or special tests needed and requesting you to:

- (1) Arrange a medical examination;
- (2) Obtain medical evidence of record;
- (3) Help with a continuing disability review; and
- (4) Conduct a field examination.

7 FAM 536.4-3 Medical Records

(CT:CON-332; 05-26-2010)

- a. An SSA request for medical records will specify the hospital, clinic, or physician, and the period for which records are required.
- b. You are authorized to offer payment to the source for the requested records, provided the source is not a U.S. Government facility. You must inform the

UNCLASSIFIED (U)

holder of the medical records that the offer to pay is for medical records and the cost of preparing, copying, and mailing the reports, but does not cover the cost of the examination.

- c. It is important that SSA receive the records as soon as possible. If you cannot obtain the records within 90 days, report the reason to SSA with the anticipated date of completion.

7 FAM 536.4-4 Medical Examinations

(CT:CON-332; 05-26-2010)

- a. If SSA requests a medical examination, schedule the examination with a duly licensed physician who is in good standing and professionally qualified in the specialty required for the examination. The SSA request will contain guidelines for the examination. Do not ask the claimant to arrange for his/her own appointments.
- b. You should carefully control the medical examination process and be sure that the claimant understands that if he or she fails to attend the examination, a decision will be made based on the evidence in file. This could result in a denial of the claim.
- c. The report of the medical examination must be a narrative summary in sufficient detail of the:
 - (1) Pertinent history;
 - (2) Clinical and laboratory findings;
 - (3) Therapy administered;
 - (4) Functional capacities before and after therapy; and
 - (5) Diagnosis.
- d. To enable SSA to assess the kind and severity of impairment and the residual functional capacities of the applicant:
 - (1) Electro-cardiograms (EKG's), spiograms, and other pertinent medical records must be forwarded with the report.
 - (2) X-ray films should not be sent to SSA. The SSA development request will authorize a radiologist's interpretation when x-ray studies are requested.

<p>NOTE: Under no circumstances should the report be shown to, or discussed with, the claimant. The examining physician or medical facility should be cautioned in this regard.</p>
--

- e. If a supplemental report from the claimant's medical source is needed, the request will state what further information is needed. SSA may, if pertinent, provide a photocopy of the original report for use in obtaining supplemental data.

7 FAM 536.4-5 Investigations

(CT:CON-332; 05-26-2010)

- a. Disability is seldom determined solely because of medical evidence. A claimant's personal and vocational background must also be considered. SSA may ask you to investigate specific background or non-medical factors such as:
 - (1) The claimant's educational background;
 - (2) Work experience and skills;
 - (3) Job adaptability;
 - (4) Daily activities;
 - (5) Reaction to impairment;
 - (6) Social or mental adjustment;
 - (7) Family or social environment; or
 - (8) Economic and industrial conditions in the community.
- b. Report any facts or circumstances that appear to be inconsistent with the alleged disability or incapacity to work.
- c. Also, events may occur after approval of a disability application that require an investigation to learn whether the claimant's disability continues or has ceased to exist.

7 FAM 536.4-6 Travel Expenses When Obtaining Medical Evidence

(CT:CON-332; 05-26-2010)

- a. In unusual situations, because of the claimant's physical condition or possible health risk, it may be necessary to have the claimant examined or interviewed at home or transported to the place of examination.
- b. SSA reimburses all expenses for such travel, including overnight accommodations when required. However, SSA does not reimburse expenses for admission to a clinic or hospital as an inpatient to perform the requested examination.
- c. SSA will also reimburse the travel and related expenses of a companion required to accompany a claimant to an examination.
- d. Travel and related expenses, including per diem, incurred by Foreign Service personnel in the performance of a field examination or other requested service are chargeable to SSA. If travel in connection with a proposed examination entails substantial costs, consider all alternative means of obtaining the information (see 14 FAM 500).

7 FAM 536.4-7 Charges for Services

(CT:CON-332; 05-26-2010)

Expenses incurred for services performed for disability cases are authorized when the original request is made or later as circumstances dictate. SSA does not specify the exact amount to be spent because costs vary worldwide. All charges must be reasonable and customary and not in excess of prevailing costs for such services in the locality. Travel costs for claimants, local attendants or physicians shall not exceed those that the persons concerned would incur if they were traveling at their own expense.

7 FAM 536.4-8 Payment Procedure

(CT:CON-332; 05-26-2010)

Payments in connection with disability cases for authorized expenditures shall conform to 4 FAM 450 guidelines. SSA's requests for services will include the appropriation number, allotment and organization codes, and a control number for preparing vouchers.

7 FAM 536.5 Communications with SSA

(CT:CON-407; 06-29-2012)

STATE to SSA:

- (1) When it is necessary to seek advice from SSA, contact your Regional Federal Benefits Officer (RFBO) first. Consult RFBOs regarding:
 - (a) Applications for Social Security Numbers;
 - (b) Applications for benefits; and
 - (c) Questions about benefit payments.
- (2) Report post-entitlement events:
 - (a) Changes of address;
 - (b) Reports of death;
 - (c) Change in marital status;
 - (d) Change in parental circumstances;
 - (e) Adoption of a child;
 - (f) Non receipt of payments;
 - (g) Work activity affecting benefits;
 - (h) Disabled person can resume work/disability improves;
 - (i) Deportation or removal from the U.S.;
 - (j) Child leaves the care of a wife, husband, widow or widower;

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (k) Child nearing age 18 is a full-time student or is disabled; and
- (l) Inability to manage funds.
- (3) Always include:
 - (a) SSA Claim number (On all original documents and all attachments); and
 - (b) Name and Mailing address of the claimant/beneficiary.
- (4) Consult CA/OCS/L regarding policies and procedures as well as problem cases you and SSA have been unable to resolve and they will contact SSA directly to discuss the issue.

7 FAM 536.5-1 Mail, Telephone, and In-Person Inquiries

(CT:CON-345; 11-18-2010)

- a. Determine the type of request and assistance needed by the individual. When an individual wants to file for benefits, take action as explained in 7 FAM 536.1 through 7 FAM 536.1-2.
- b. Send mail inquiries to OIO at the following address; or to your RFBO (if so advised) if it is not clear whether the individual wants to file for benefits. In this way, they can determine if an application is needed and can provide faster service.

Social Security Administration Office of International Operations P.O. Box 17775 Baltimore, MD 21235-7775
--

- c. When individual has filed for benefits, but has not been notified of the action on his/her claim:
 - (1) Refer the inquiry to the OIO at the address above or to your RFBO/claims-taking post serving the hub country if so advised. Be sure to show the SSN on which the claim was filed on all documents submitted by the individual;
 - (2) If the inquiry was made in-person or by telephone, include a report showing:
 - (a) Claimant's full name;
 - (b) SSN on which the claim was filed, and if different from the claimant, the worker's name;
 - (c) Date the application was filed and the office with which it was filed;
 - (d) Claimant's mailing address; and
 - (e) Claimant's telephone number.
- d. When an individual wants to apply for an original SSN or a replacement card:

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Take action as explained in 7 FAM 534.

- e. When an individual is asking about, or reporting, a post-entitlement event, contact the RFBO if the individual is asking about, or reporting:
 - (1) Benefit payments, including non receipt of payment;
 - (2) Change of address; or
 - (3) Death.
- f. Refer all other inquiries to OIO at the address below or to your RFBO if so advised:

Social Security Administration Office of International Operations P.O. Box 17769 Baltimore, MD 21235-7769
--

- g. In the case of telephone and in-person inquiries include a report showing:
 - (1) Beneficiary's full name;
 - (2) SSN on which he or she is entitled to benefits;
 - (3) Specific information about the inquiry or the event being reported;
 - (4) Beneficiary's mailing address;
 - (5) Beneficiary's telephone number (include mobile number as well as home phone number);
 - (6) Email address; and
 - (7) Name, address and telephone number of the person making the report, if other than the beneficiary.
- h. Occasionally it may be necessary for you to contact SSA's Office of International Operations directly to discuss a specific case, locate a missing check or provide additional information on a pending case. Send to OIO at the address below or to your RFBO if so advised:

Social Security Administration Office of International Operations (OIO) P.O. Box 17769 Baltimore, MD 21235-7769 Or Your RFBO will provide telephone and fax numbers and e-mail addresses for the appropriate module by terminal digit breakdown of SSNs
--

- i. Always include:
 - (1) Claimant's full name;
 - (2) SSA claim number (on all original documents and all attachments);

- (3) Mailing address; and
- (4) Telephone and Fax numbers (if available).

7 FAM 536.6 Frequently Reported Events

7 FAM 536.6-1 Change of Address

(CT:CON-345; 11-18-2010)

a. FROM THE U.S. TO ANY FOREIGN COUNTRY

- (1) Beneficiary should complete and sign:
 - (a) The locally printed change of address form;
 - (b) Form SSA-21 "Supplement to Claim of Person Outside the United States"; and
 - (c) One Form SSA-21 may be used to list all beneficiaries receiving benefits under the same SSN. Every beneficiary listed on the form must sign the form. However, if it is completed by a beneficiary for himself/herself and as a representative payee, he or she must sign the form only once.
- (2) You should:
 - (a) Ensure that each beneficiary, who is over age 65 or disabled, is aware of his/her continuing liability to pay Medicare premiums unless enrollment is specifically canceled. Inform each beneficiary that, as a practical matter, Medicare coverage is not available outside of the U.S. (see 7 FAM 535.4.); and
 - (b) Send a completed change of address form including the Form SSA-21 to your RFBO. The RFBO will process the change.

b. FROM A FOREIGN COUNTRY TO ANOTHER FOREIGN COUNTRY

- (1) Beneficiary should complete the locally printed Change of Address form; and
- (2) Send a completed change of address form to your RFBO. The RFBO will process the change through POS.

c. FROM A FOREIGN COUNTRY TO THE UNITED STATES

- (1) The beneficiary should complete the locally printed Change of Address form;
- (2) Beneficiaries who reside in the U.S. cannot have their benefits paid into a foreign bank. You may assist the claimant by arranging direct deposit (DD) to a U.S. bank account. (See 7 FAM 537.1-1 for direct deposit information); and

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (3) Send a completed change of address form to your RFBO. The RFBO will process the change through POS.

NOTE: A change of address should be forwarded to the RFBO for input.

7 FAM 536.6-2 Death Reports

(CT:CON-332; 05-26-2010)

- a. Upon receipt of notification of the death of a beneficiary receiving Social Security benefits, complete the locally printed DS-2060 Report of Death of an American Citizen Abroad.
- b. Send a completed Form DS-2060 to the RFBO. The RFBO will process the death termination.
- c. Regarding documentation of the death of a non-U.S. citizen beneficiary, consult the RFBO.

7 FAM 536.7 Requests for Assistance

(CT:CON-456; 05-02-2013)

- a. Social Security's Office of International Operations (OIO) will occasionally contact posts for assistance in a particular case. The request will contain all the necessary information to enable you to proceed.
 - (1) Expeditious handling of these requests is essential, since the outcome may have a direct bearing on someone's claim for benefits or continued entitlement to benefits.
 - (2) OIO will routinely follow up on a request for service for which no reply is received within 60 days. If you anticipate a longer delay, send an interim report with an estimated completion date.
 - (3) When replying, include the following information:
 - (a) SSA claim number at top of each page (including attachments);
 - (b) Worker's name;
 - (c) Beneficiary's name and address;
 - (d) Telephone and fax numbers, and e-mail addresses (if available); and
 - (e) OIO's reference number.
 - (4) Respond in the same manner as request was received or as indicated in the request.
- b. In complex cases, invite the claimant to come in indicating what documents or information he or she should bring. When sending forms to be completed, advise claimant to have them completed prior to the appointment.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- c. If the information or evidence requested by OIO requires an on-the-scene visit, schedule a field contact.
- d. Federal Benefits travel is funded through regular consular funds in all countries except in Costa Rica, Germany, Greece, Italy, Mexico, and the United Kingdom where there are RFBOs and other arrangements exist. However, when consular funds are not available, contact your RFBO to request authorization to travel at SSA's expense. They will provide an appropriation number, allotment and organization codes and a number for vouchers. The request must include the purpose of travel, Social Security claim number, city/province/region to which travel is necessary and estimated cost.
- e. If the claimant has not responded by submitting forms, information or other evidence after the initial contact period, send a follow-up letter. After several weeks if there is still no response, schedule the case for a field contact if the individual may benefit from such an appointment, but is incapable of acting without assistance. If the individual who has not responded/cooperated has nothing to lose by lack of response (a beneficiary being requested to repay an overpayment), a field contact usually is scheduled to obtain the needed cooperation. Otherwise, prepare a closeout letter.

Sample letter:

Dear _____:

On June 3 and again on June 18, 2011 we wrote to you requesting you to provide your birth certificate in support of your claim for Social Security benefits. To date, you have not responded.

If you need assistance in furnishing this evidence, please contact us by telephone at _____, mail or by coming to this office.

If we do not hear from you within 15 days of the date of this letter, we will assume you no longer wish to pursue this matter and will so inform the Social Security Administration. The Social Security Administration will then make a decision based on the evidence in your file.

Signature.

- f. Follow up in 15 days, if there is still no response to the closeout letter, return the request for assistance to OIO with a copy of the letter and an explanation of the efforts made. Send this material to:

Social Security Administration
Office of International Operations
P.O. Box 17775
Baltimore, MD 21235-7775

7 FAM 536.8 How does a Claimant Appoint an Attorney/Agent to Act for Them in Connection with an Application for Social Security Benefits?

(CT:CON-332; 05-26-2010)

- a. A Social Security claimant may be represented by an attorney or other qualified person. (A foreign attorney not qualified to practice law in the U.S. is treated as a non-attorney representative.) To appoint a representative to act for him or her in matters before SSA, the claimant must:
 - (1) Provide a written statement;
 - (2) Sign and date the appointment; and
 - (3) File the written appointment with SSA.
- b. An appointed representative may act on behalf of the claimant from the time of their appointment until that appointment is revoked. The representative cannot sign an application on behalf of the claimant or re-delegate his or her authority to represent the claimant to anyone else.
- c. If the proposed representative does not appear to be of good character and reputation, you should include any evidence that bears on his/her character, reputation, or ability to help the claimant with the material forwarded to SSA's Office of International Operations (OIO).

7 FAM 536.8-1 Claims-Taking Posts

(CT:CON-332; 05-26-2010)

- a. The claimant should complete that part of Form SSA-1696 "Appointment of Representative/Acceptance of Appointment" indicated for his/her completion.
- b. The proposed representative should then complete the form as required.
- c. You should forward all the evidence to OIO.

7 FAM 536.8-2 Nonclaims-Taking Posts

(CT:CON-332; 05-26-2010)

- a. Claimant must provide name and address of the proposed representative.
- b. You should forward that information with the claimant's statement of intent to file (see 7 FAM 536.1-2) to your RFBO or OIO according to post procedures.
- c. The RFBO or OIO will send an Form SSA-1696-U4, Appointment of Representative, directly to the claimant for his/her completion and completion by the proposed representative.

7 FAM 536.8-3 Fees Charged by Attorneys/Agents

(CT:CON-402; 03-15-2012)

- a. Attorney/agent fee amounts must be authorized by SSA.
- b. SSA's authorization is required whether SSA's decision on the claim is favorable or unfavorable.
- c. SSA has two alternative methods for representatives to obtain authorization to charge a fee, a representative must complete and mail to SSA, Division of International Operations, P.O. Box 17769, Baltimore, Maryland 21235-7769, either a Form SSA-1560-U4 (Petition to Obtain Approval of a Fee for Representing a Social Security Claimant) or a fee agreement. The two fee authorization processes are not interchangeable. SSA mails this form to appointed representatives upon notification of the appointment. A fee agreement is a written statement signed by the claimant and his/her appointed representative specifying the fee the representative expects to charge, and must be submitted before the date SSA makes a favorable decision on a claim. A fee agreement must meet certain statutory conditions to be approved. SSA's Program Operating Manual gives an overview of the fee agreement process (Fee Agreement Process Overview). In addition, all legal representatives must register with SSA using form SSA-1699, to receive any direct fee payments. SSA registration can be completed online. See also SSA publication No. 05-10001 Registration Requirements for Direct Payments to Representatives.
- d. Notify SSA if you learn, or suspect, that a person has represented a Social Security claimant and has:
 - (1) Charged a fee without SSA authorization;
 - (2) Charged a fee in excess of an amount authorized; or
 - (3) Engaged in unethical or dishonest practices as the representative of a claimant.
- e. Explain the basis for your belief and include statements signed by persons with firsthand knowledge, if available.
- f. SSA will initiate formal administrative proceedings to disqualify such a person from serving as a representative in matters before SSA and will inform that person of the decision in writing.

7 FAM 536.8-4 Disqualification of Attorneys/Agents

(CT:CON-332; 05-26-2010)

When persons are formally suspended or disqualified from representing claimants, SSA will give their names and addresses to posts in the locale. You should inform claimants who seek to appoint these persons as their representatives that SSA cannot recognize them as representatives.

7 FAM 537 HOW BENEFIT PAYMENTS ARE MADE

7 FAM 537.1 Methods of Payment

7 FAM 537.1-1 Direct Deposit

(CT:CON-456; 05-02-2013)

- a. 7 FAM 526 provides a general discussion about how recipients receive their regular benefits checks. Beneficiaries who are outside of the United States are encouraged to have their checks directly deposited to a financial institution in or outside the United States. Domestic recipients are required to have their checks directly deposited. Certain categories of beneficiaries in the United States may request a waiver from the Treasury Department. This requirement is effective with new claims filed May 1, 2011 and current beneficiaries effective March 1, 2013.
- b. International Direct Deposit: 7 FAM 526 b provides guidance about direct deposit electronic funds transfer. See the SSA Direct Deposit Internet Page for a list of countries that currently have direct deposit available. Inform beneficiaries with direct deposit that they **MUST** notify SSA of any changes of address to avoid delays in receiving information from SSA. Failure to do so, may result in benefits being suspended.
- c. Power of Attorney to a Financial Institution (FI) outside the United States: A foreign FI must be granted a power of attorney by the beneficiary if it is to receive and negotiate the beneficiary's checks. When checks are being sent to the foreign FI by Power of Attorney, this arrangement is not direct deposit, nor is it another form of electronic payment. See 7 FAM 527.8 for Power of Attorney guidelines. Inform beneficiaries who granted power of attorney to a financial institution that SSA's records would show only the address of that institution. He or she must contact the bank to receive any SSA notices/letters and to avoid the possible suspension of benefits. The beneficiary must complete Form SF-233 (Power of Attorney by Individual to a Bank for the Collection of Checks Drawn on the United States Treasury). Provide the beneficiary a copy of the Form SF-233. The beneficiary files one copy of the Form SF-233 with the FI and keeps one copy. Send the completed form to the Office of International Operations, P.O. Box 17769, Baltimore, MD 21235-7769 or your RFBO if so advised. The beneficiary provides SSA with the complete address of his/her residence abroad.
- d. Direct Deposit (DD) to a Financial Institution in the United States: A beneficiary outside the United States, or one who is returning to the United States, can have his/her benefits deposited into a bank in the United States. For U.S. direct deposit, the payee must provide the full name and address of the financial institution, the full bank routing number, the full account number, including type (savings/checking) and the name(s) on the bank account. This

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

allows the bank account number and other necessary data to be placed on record so benefits may be deposited directly into the U.S. bank account. For correspondent direct deposit (CDD), the payee must use the agency's adaptation of the Form SF-1199-A, Direct Deposit Sign Up Form for that country.

NOTE: The payee sends the form to the financial institution that verifies the information and completes Section 3. The financial institution then returns the completed form to the government agency indicated in Section 2 (for CDD). The payee must send the DD form to the address on the form. A beneficiary in the United States cannot have his/her benefits deposited into a financial institution outside the United States.

- e. Comerica Bank Direct Express Debit Card: Situations arise in which beneficiaries of Federal benefits will request a waiver through the Department of Treasury to receive Federal benefit payments by check rather than direct deposit. In some cases the request to be excluded from the mandatory direct deposit of benefit checks is because International Direct Deposit is not available in the country in which the beneficiary resides or the beneficiary is over 90 years old, or has a mental impairment. One alternative that exists at some financial institutions is direct deposit arrangements that require no minimum balance. Such arrangements are a choice that should be introduced to appropriate beneficiaries ensuring it is clear the decision is that of the beneficiary. One financial institution that provides such a fee for service arrangement is Comerica Bank. Comerica Bank offers both fee-based and free access to funds globally and accepts U.S. dollar benefit deposits electronically to recipients of Federal benefits world-wide. This program allows recipients to access their benefits by using the Direct Express Debit Card at over 1 million ATMs around the world, wherever the MasterCard® acceptance mark is displayed. In addition, recipients can make purchases at debit card locations, e.g., markets, drug stores, etc. that accept Debit MasterCards at no cost. Similar processes are available to "non-banked" individuals domestically. Our interest is to expand the availability of such services to all interested recipients living abroad.
- (1) Direct Express is a Debit MasterCard® issued by the Comerica Bank as the U.S. Department of the Treasury's financial agent. Surcharge fees may apply when using Direct Express outside the United States. Since ATM fees vary significantly in certain countries, and some ATM machines are not compatible with Direct Express in remote locations around the world, RFBOs should use their own discretion on whether to advise beneficiaries that this option is more convenient and cost stable for beneficiaries than the current delivery method. This process is available to beneficiaries world-wide.
 - (2) Advantages for the Embassies: The advantage of the Comerica Bank Direct Express Debit Card for the Consular staff in the Embassies is a reduction in customers making monthly visits to an Embassy to pick up

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

checks that arrive at the Embassy and the reduction in logging and monitoring the distribution of benefit checks. It also can eliminate or reduce the time the Consular staff spends on non-receipts and providing information to clients about misrouted checks. Further, Comerica offers both English and Spanish support through its automated telephone service or through its customer service representative, and provides real-time free interpreter services in virtually any language a caller requires.

(3) Fee schedule for Comerica Bank Direct Express Debit Card:

The Direct Deposit Card is available to beneficiaries with the following fee schedule.	
1. Monthly account fee	Varies
2. One FREE ATM withdrawal for every deposit	No charge
3. Additional ATM withdrawals	\$3.00 each, plus 3% of amount withdrawn.
4. MasterCard® purchase at point of sale	FREE
5. Foreign exchange on all currency conversions	3%
6. Web access for transactions history	FREE
7. Monthly paper statements (optional)	\$0.75 (each month)

- (4) How can a beneficiary enroll? The beneficiary should contact the Direct Express customer service by calling 1-765-778-6290 (collect) or visit the Direct Express Web site to enroll. If a potential customer is a Representative Payee for the beneficiary, the Representative Payee should use the same contact information to enroll as a Representative Payee.
- (5) What happens next? Comerica notifies SSA to change the benefit payments delivery from checks to the Comerica Direct Express Debit Card. In situations in which the Embassy shows its address as the beneficiary's mailing address, the beneficiary needs to pick up his or her debit card from the Embassy. The beneficiary continues to receive the monthly check for about 30 days, after which, the benefits switch to the card. The information delivered with the card includes the bank routing number and account number for the card account, so the beneficiary can have other payments deposited to the card account, if he or she wants. The packet also includes fee details and instructions in English and Spanish on how to use the card.
- (6) Direct Express® Card Fact Sheet and Fee Table:
- (a) Direct Express® Card Fact Sheet & Fee Table

UNCLASSIFIED (U)U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (b) If you still receive your Federal benefit payments by paper check you should try a safe, reliable, and more convenient option. The Direct Express® Card is simple and easy to use. Use the Direct Express® Card to make purchases and to get cash at retail locations, ATMs, banks, and credit unions throughout the world.

Standard Free Services	
Service	Fee
Purchases at U.S. merchant locations	FREE
Cash-back with purchase	FREE
Automatic deposit notification *	FREE
Automatic low balance notification *	FREE
Web account access	FREE
ATM balance inquiry	FREE
ATM denial	FREE
Customer Service calls	FREE
Cash from bank tellers	FREE
Card replacement-One free per year	FREE
ATM cash withdrawal in the U.S. including the District of Columbia, Guam, Puerto Rico, and US Virgin Islands. Surcharge by ATM owner may apply.	One free withdrawal in the U.S. with each deposit to your Direct Express® Card Account. **

* If the cardholder requests this service

** For each Federal government deposit to your Card Account, Comerica Bank will waive the fee for one ATM cash withdrawal in the United States. The fee waiver earned for that deposit expires on the last day of the following month in which the deposit was credited to the Card Account.

The ONLY Fees You Can Be Charged	
Optional Service	Fee
ATM cash withdrawals after free transactions are used in United States including the District of Columbia, Guam, Puerto Rico, and U.S. Virgin Islands. Surcharge by ATM owner may apply.	\$0.90 each withdrawal (after free transactions are used)
Monthly paper statement mailed to you	\$0.75 each month
Funds transfer to a personal U.S. bank account	\$1.50 each time
Card replacement after one free each year	\$4.00 after one (1) free each

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

	year
Overnight delivery of replacement card	\$13.50 each time
ATM cash withdrawal outside of United States. Surcharge by ATM owner may apply.	\$3.00 plus 3% of amount withdrawn
Purchase at Merchant Locations outside of United States	3% of purchase amount

Direct Express® and the Direct Express® logo are registered service marks of the U.S. Department of the Treasury, Financial Management Service.

The Direct Express® Debit MasterCard® card is issued by Comerica Bank pursuant to a license by MasterCard International Incorporated. MasterCard® and the MasterCard® Brand Mark are registered trademarks of MasterCard International Incorporated.

7 FAM 537.1-2 International Priority Airmail (IPA)

(CT:CON-332; 05-26-2010)

7 FAM 526 c provides general guidance about the IPA Program. Monthly benefit checks may be sent via International Priority Airmail (IPA) directly to the recipient when the host country has a reliable postal system.

7 FAM 537.1-3 State Department Diplomatic Pouch

(CT:CON-332; 05-26-2010)

- a. 7 FAM 526 d provides general guidance regarding transmitting federal benefits checks through the Diplomatic Pouch. DPO/APO/FPO facilities cannot be used to transmit federal benefits checks.
- b. In countries where IPA is not feasible, bulk shipments of checks are mailed via the Department's Diplomatic Pouch Facility and then dispatched to posts.
- c. You are responsible for distributing the checks to the recipients through the local postal service or other appropriate means.

7 FAM 537.2 Nonreceipt of Payment

7 FAM 537.2-1 What is the Role of the Consular Officer?

(CT:CON-504; 02-21-2014)

7 FAM 527 provides general guidance about missing and misdirected checks. To report a missing bulk shipment or an individual payee (see 7 FAM 527.1 and 7 FAM 527.2). Check the list of suspensions due to failure to respond to the annual foreign enforcement questionnaire. If the individual is on that list, contact the

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

RFBO to obtain the appropriate SSA forms that are not readily available online (SSA-7161-OCR-SM or Form SSA-7162-OCR-SM as appropriate). (See 7 FAM 539.8-2.) Report the missing payment to the RFBO, follow the relevant procedures in 7 FAM 527. Advise the individual of nonpayment due to a change of status making him or her ineligible for benefits. You should also contact CA/OCS/L at CA-OCS-L-FederalBenefits@state.gov.

7 FAM 537.3 Underpayments/Overpayments

7 FAM 537.3-1 What are Underpayments and How Are They Resolved?

(CT:CON-332; 05-26-2010)

- a. Underpayments occur when a beneficiary:
 - (1) Has not been paid a monthly benefit to which he or she is entitled; and
 - (2) Has been paid less than the amount due to him or her.
- b. Causes:
 - (1) The beneficiary's delay in reporting an event that could increase his/her monthly benefit;
 - (2) The lag between the time an event is reported and the time SSA processes it; and
 - (3) The death of a beneficiary before negotiating a check.
- c. What if:
 - (1) Beneficiary is alive: Payment will be issued in the beneficiary's own name to the last address of record, unless current payment is made via representative payee. Then issue the underpayment via the representative payee; and
 - (2) Beneficiary is deceased: When the beneficiary is deceased, SSA does not solicit underpayment claims outside the United States. However, payment may be made automatically to a:
 - (a) Surviving spouse who was either living with the beneficiary or entitled to benefits on the same record for the month of death; and
 - (b) Child or parent of the beneficiary entitled to benefits on the same record as the beneficiary for the month of death.

<p>NOTE: A surviving divorced spouse does not qualify for an underpayment under this provision. For more details about individuals to whom underpayments may be paid, see section 1902.3 of the Social Security Handbook.</p>
--

- d. Requests for underpayments should be treated in the same manner as those

for claims (see 7 FAM 536.1).

EXCEPTION: If the deceased beneficiary were receiving Special Veterans Benefits, the amount due is not payable to any other person or his/her estate. It reverts to the general fund of the Treasury.

7 FAM 537.3-2 What are Overpayments and How Are They Resolved?

(CT:CON-456; 05-02-2013)

- a. Overpayments occur when a beneficiary:
 - (1) Is paid more than was due, or
 - (2) Cashes both a substitute check and the original check issued to him or her.
- b. Causes:
 - (1) Delay in reporting events that would reduce the amount of benefits due, or
 - (2) Delay in processing such changes.
- c. Beneficiary Notification: Once an overpayment is discovered, SSA advises the beneficiary of:
 - (1) The amount of the overpayment;
 - (2) The reason for overpayment; and
 - (3) His/her waiver and appeal rights.
- d. The method of recovery:
 - (1) SSA usually sends the letter directly to the overpaid beneficiary; to specific posts (China, Iran, Nicaragua and Turkey); or to the U.S. Embassy Manila for Philippines residents (if a refund is the sole means of recovery);
 - (2) For Greece: If adjustment is proposed to recover the overpayment, a copy of the letter is sent to the embassy; and
 - (3) For claims-taking posts: if a refund is the sole method of recovery and the beneficiary lives in a country in which there is a claims-taking post, a copy is sent to the post (see 7 FAM 536.1).
- e. Recovery: Generally, SSA recovers overpayments by:
 - (1) Refund;
 - (2) Adjustment of, or withholding, benefits due the overpaid beneficiary or other beneficiaries on the same record;
 - (3) Compromise settlement;
 - (4) Civil suit; and
 - (5) The Internal Revenue Service withholding Federal tax refunds

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (6) Recovery of an overpayment may be waived under certain conditions. Such waivers are granted only when the beneficiary did nothing to cause the overpayment and is either not able to pay it back or recovery would be against equity and good conscience. See chapter 19 of the Social Security Handbook on the Social Security website for more information on recovery of an overpayment and waiver of the collection of an overpayment.

7 FAM 537.3-3 What is the Role of the Consular Officer in Overpayment Cases?

(CT:CON-332; 05-26-2010)

SSA may request your assistance if a beneficiary who has been sent a letter directly by SSA does not respond, or if there is a difficulty that cannot be resolved without your assistance. SSA's request will explain fully the overpayment and provide instructions on the steps you should take.

7 FAM 538 REPRESENTATIVE PAYEE

(CT:CON-402; 03-15-2012)

- a. SSA prohibits direct payment of benefits to individuals who are:
- (1) Judged legally incompetent;
 - (2) Mentally incapable of managing benefit payments;
 - (3) Physically incapable of managing or directing the management of payments; or
 - (4) Minor children (see 7 FAM 538.2). Therefore, these beneficiaries must be paid through a representative payee.
- b. A representative payee is an individual or organization that receives Social Security, Supplemental Security Income and/or Special Veterans Benefits for a minor child or an adult who cannot manage or direct the management of his/her benefit payments. The funds are to be used for the beneficiary's current and foreseeable needs. Remaining funds are to be saved for the beneficiary.

7 FAM 538.1 Selection of Payee for an Incapable Adult Beneficiary

(CT:CON-332; 05-26-2010)

- a. Unless direct payment is prohibited, as explained in 7 FAM 538, an adult beneficiary is presumed capable of managing his/her benefits. When circumstances indicate that a beneficiary may not be capable of managing his/her benefits, a determination must be made to establish his/her inability to

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

handle his/her benefits. The main factor in the selection of a payee is determining what is in the beneficiary's best interest. Convincing evidence of the individual's inability to manage his/her benefits must be provided.

- b. Acceptable evidence of capability includes:
 - (1) Medical findings (whenever possible);
 - (2) Legal findings by a court of competent jurisdiction when there is an allegation of legal incompetence; and
 - (3) Lay evidence (in all cases).
- c. SSA does not require the appointment of a legal guardian if a beneficiary is unable to handle benefit funds. However, when incapability is established, SSA's policy is to find a close relative or another person who is personally interested in the beneficiary's welfare and is capable of administering funds in the best interest of the beneficiary. Refer to Sections 1603 and 1610 of Chapter 16 of the Social Security Handbook for guidance in selecting a payee for an incapable adult.

7 FAM 538.2 Selection of Payee for a Child Beneficiary

7 FAM 538.2-1 When Payments Can be Made Directly to a Child Beneficiary

(CT:CON-332; 05-26-2010)

SSA considers persons under age 18 incapable of managing benefit payments; however, payment may be made directly to a beneficiary under age 18 in certain circumstances. For more information on when payments may be made directly to a beneficiary under age 18, see section 1602.2 of the Social Security Handbook.

7 FAM 538.2-2 List of Payee Preferences for Child Beneficiary

(CT:CON-332; 05-26-2010)

For information on selecting a payee for a beneficiary under age 18, see section 1609 of the Social Security Handbook

7 FAM 538.3 What is the Role of the Consular Officer?

(CT:CON-332; 05-26-2010)

- a. When it appears that a beneficiary/claimant may need a representative payee, report it to your RFBO (see 7 FAM Exhibit 530(A)) with a full explanation of the circumstances.
- b. The report must include:
 - (1) The name and address of the person in the highest priority who is both

UNCLASSIFIED (U)

willing and able to serve as representative payee;

- (2) The name of each person higher in priority than the person selected with an explanation of why he or she is not willing or able to serve as representative payee;
 - (3) The name and address of the person or institution, if any, in whose custody, the beneficiary currently resides; and
 - (4) The relationship of all persons named to the beneficiary.
- c. When SSA receives notice of the incapability of a beneficiary/claimant or of the death or resignation of a representative payee, it will send instructions for obtaining evidence of capability, if needed, and for the development of a representative payee who meets the necessary criteria.

7 FAM 538.4 Duties of a Representative Payee

(CT:CON-332; 05-26-2010)

- a. A payee has the responsibility to use the payments received only for the use and benefit of the beneficiary. Payees should be encouraged to become actively involved in the beneficiary's life and not just manage his/her funds.
- b. The payee is required to:
 - (1) Determine the beneficiary's needs and use his/her payments to meet those needs;
 - (2) Help the beneficiary secure medical treatment when necessary;
 - (3) Retain any unused funds in an interest bearing account for the beneficiary's future needs (the account must be set up to show that the payee has only a fiduciary interest in the funds);
 - (4) Report any changes or events which could affect the beneficiary's eligibility for benefits or payment amount;
 - (5) Keep records of all payments received and their disposition; provide benefit information to social service agencies or medical facilities that serve the beneficiary;
 - (6) Complete written reports accounting for the use of funds (see 7 FAM 538.5 and 7 FAM 539.8);
 - (7) Return any payments to which the beneficiary is not entitled to SSA; and
 - (8) Notify SSA of any changes in the payee's circumstances that would affect his/her performance as payee.

7 FAM 538.5 Accounting for the Use of Benefits

(CT:CON-332; 05-26-2010)

- a. Annually, SSA sends directly to each representative payee Form SSA-7161-OCR-SM "Report to U.S. Social Security Administration By Person Receiving Benefits for a Child or an Adult Unable to Handle Funds" (see 7 FAM 539.8). The payee must complete the form and return it promptly in the pre-addressed envelope provided.
- b. Additionally, SSA establishes controls on cases that require follow-up. Specific requests for accountings will include any necessary forms and instructions. While the accounting is of primary significance, you should always make a personal contact with the beneficiary to verify that:
 - (1) The beneficiary is alive;
 - (2) There has been no shift in responsibility; and
 - (3) The beneficiary has not married, worked, changed citizenship, or otherwise become ineligible for payment.

7 FAM 538.6 Suspension of Payments Pending Appointment of Payee

(CT:CON-332; 05-26-2010)

- a. If possible, SSA does not interrupt payments pending the appointment of a representative payee unless it is determined that substantial harm would result from the continuation of payments. For example, based on contacts with a physician and the beneficiary, it is determined that the beneficiary has been repeatedly hospitalized for alcoholism. Paying him or her directly may cause further injury, and substantial harm could result.
- b. SSA also suspends benefits when a beneficiary is:
 - (1) Adjudicated to be legally incompetent; or
 - (2) Under age 15.
- c. There are no emergency provisions to appoint a representative payee who has not applied nor been approved.

7 FAM 539 WHAT EVENTS MAY AFFECT CONTINUING ELIGIBILITY FOR BENEFITS?

(CT:CON-332; 05-26-2010)

- a. SSA Publication No. 05-10137, "Your Payments While You Are Outside the United States," provides information about how being outside the United States may affect payments. It also explains what types of events a beneficiary must

UNCLASSIFIED (U)

report and how to report these so that the beneficiary may continue to receive the correct payments.

b. This booklet is available in printed format in English, as well as bilingual versions:

- (1) English and French – SSA Publication No 05-10143;
- (2) English and German – SSA Publication No. 05-10146;
- (3) English and Greek – SSA Publication No. 05-10145;
- (4) English and Italian – SSA Publication No. 05-10152; and
- (5) English and Spanish – SSA Publication No. 05-10138.

7 FAM 539.1 Events That May Affect Payments

(CT:CON-456; 05-02-2013)

a. It is the beneficiary's responsibility to notify SSA promptly about events that could affect payments. Some of those events are:

- Change of address (see 7 FAM 536.6-1)
- Work outside the United States
- Disabled person returns to work or disability improves
- Marriage
- Divorce or annulment
- Adoption of a child
- Child leaves the care of the beneficiary
- Child nearing 18 is a full-time student or disabled
- Death
- Inability to manage funds (see 7 FAM 538)
- Deportation or removal from the United States
- Changes in parental circumstances
- Eligibility for a pension from work not covered by Social Security

b. If a beneficiary or other person contacts a post to report an event that could affect eligibility, assist the person in reporting the event to SSA. Send a Report of the Contact (Form SSA-5002) to the appropriate RFBO. Include the following information in the report:

- (1) Date of the contact with the post;
- (2) Name and address of the person who contacted you, and if the person was other than the beneficiary, his/her relationship to the beneficiary;
- (3) Beneficiary's claim number; and

- (4) Event being reported and the date it occurred.

7 FAM 539.2 How Working Affects Benefits

7 FAM 539.2-1 Annual Earnings Test

(CT:CON-332; 05-26-2010)

The retirement test used in the United States also applies to persons outside the United States who work in employment or self-employment that is covered by the Social Security system. That test is based on earnings. For more information, see "How Work Affects Your Benefits" on the Social Security Web site.

7 FAM 539.2-2 Foreign Work Test

(CT:CON-332; 05-26-2010)

- a. No single money amount could realistically differentiate between full-time and part-time work in all foreign countries. Therefore, the Social Security law contains a different type of test that generally applies to persons living outside the United States and working in noncovered employment or self-employment. This work test is based on hours worked in a month rather than amount earned. Generally, U.S. citizens who are self-employed and residing in a country with which the U.S. has a totalization agreement (see 7 FAM 535.9) are subject to this test.
- b. Under the 45-hour work test (generally called the Foreign Work Test), no benefit is payable for any month in which a beneficiary younger than full retirement age (see 7 FAM 535.1) is employed or self-employed for more than 45 hours. The number of hours the beneficiary is employed or self-employed in a month determines whether he or she may receive a benefit. The number of days on which the beneficiary is employed or self-employed is immaterial.
- c. As with the annual earnings test, no benefits are withheld for any month in which the beneficiary who is working reaches full retirement age (see 7 FAM 535.1).
- d. Special trial work period provisions apply to disabled beneficiaries. For an explanation of this trial period, see Part 2 of the publication, "Working While Disabled--How We Can Help," on the Social Security Web site.

7 FAM 539.3 Penalty Deductions

7 FAM 539.3-1 What Can Cause Penalty Deductions?

(CT:CON-332; 05-26-2010)

- a. Penalty deductions may be imposed if:

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- (1) A beneficiary is late in reporting foreign work activity that would call for deductions under the foreign work test, or
 - (2) A parent or other person receiving benefits because he or she has a child entitled to Social Security benefits in his/her care, is late in reporting when the child leaves that person's care.
- b. Timely reporting: Reports should be made before the receipt and acceptance of a benefit payment for the second month after the month in which the event occurred. For example, a beneficiary who worked outside the United States in May in work that would result in deductions under the foreign work test must report this work activity before receiving and accepting the benefit payment for July (made in August).

7 FAM 539.3-2 How Penalty Deductions Are Imposed

(CT:CON-332; 05-26-2010)

- a. The first time a beneficiary is late in reporting foreign work or that a child is no longer in his/her care, a penalty equal to one month's benefits may be withheld.
- b. For the second failure to report such information on time, a penalty equal to 2 months' benefits may be withheld.
- c. For the third and each subsequent failure to report such information on time, a penalty equal to 3 months' benefits may be withheld.
- d. The above penalties are imposed in addition to the deductions made for foreign work or failure to have a child in the care of the beneficiary.

7 FAM 539.4 Administrative Sanctions

7 FAM 539.4-1 When are Administrative Sanctions Imposed?

(CT:CON-332; 05-26-2010)

Administrative sanctions are imposed when a person makes, or causes to be made, a statement, or representation of a material fact for use in determining eligibility for benefits or benefit amounts if:

- (1) The statement is false or misleading or omits a material fact;
- (2) He or she knows, or should have known, that the statement is false or misleading or omits a material fact;
- (3) The statement is made with a knowing disregard for the truth; and
- (4) The statement is made on or after December 14, 1999.

7 FAM 539.4-2 What is the Penalty?

(CT:CON-345; 11-18-2010)

The penalty is suspension of monthly benefits that would otherwise be payable as follows:

- (1) 6 months for the first occurrence;
- (2) 12 months for the second occurrence; and
- (3) 24 months for each subsequent occurrence.

7 FAM 539.4-3 Whose Benefits are Affected by the Penalty?

(CT:CON-332; 05-26-2010)

Sanctions only affect the benefits of the person being sanctioned. They end if the beneficiary dies in the sanction period. The benefits of other beneficiaries are neither increased nor decreased because of the sanctions.

7 FAM 539.5 Suspension of Benefits to Aliens Due to Their Absence from the United States

(CT:CON-332; 05-26-2010)

- a. Non-U.S. citizen beneficiaries are not eligible for monthly Social Security benefits after they have been outside the United States for 6 consecutive calendar months, unless they meet certain exceptions.
- b. Helpful resources regarding this topic can be found at: "Your Payments While You are Outside the United States", the Social Security Handbook, Chapter 18, sections 1843 and 1844 and the Payments Abroad Screening Tool.

7 FAM 539.6 Countries to Which Payments Cannot Be Made

7 FAM 539.6-1 U.S. Department of the Treasury Regulations

(CT:CON-456; 05-02-2013)

- a. U.S. Treasury regulations prohibit the delivery of payments to, or on behalf of, beneficiaries in Cuba and North Korea. Thus, SSA cannot pay benefits to beneficiaries in these countries either by check or by direct deposit to bank accounts or through people in other countries.
- b. U.S. citizen beneficiaries who are in Cuba or North Korea can receive all their benefits that were withheld while they were in Cuba or North Korea when they leave and go to a country to which SSA can send payments. However, they must meet all other eligibility requirements for payment.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

- c. Effective July 1, 1968, Social Security law provides that non-U.S. citizen beneficiaries cannot receive any benefits that were withheld while residing in a Treasury-restricted country (Cuba or North Korea), even if they go to a country to which payment can be sent and they meet all other requirements for payment.

7 FAM 539.6-2 SSA Restricted Countries

(CT:CON-456; 05-02-2013)

- a. SSA restrictions prohibit the payment of benefits to, or on behalf of, beneficiaries in some former U.S. Treasury-restricted countries. Although the Treasury Department restrictions have been lifted, payment cannot be made because the appropriate officials in those countries have not given SSA assurance of free access to beneficiaries/claimants and to vital statistics records. These countries are:

Azerbaijan	Moldova
Belarus	Tajikistan
	Turkmenistan
Georgia	Ukraine
Kazakhstan	Uzbekistan
Kyrgyzstan	Vietnam
NOTE: The necessary assurances of access were first requested by SSA through the Department of State when the Treasury restrictions were lifted. For various reasons, those assurances still have not been provided.	

- b. Generally, beneficiaries in these countries can receive benefits withheld while they were in an SSA restricted country once they leave that country and go to a country where SSA can send payments. However, they must meet all other requirements for payment. This applies to both U.S. citizen and non-U.S. citizen beneficiaries.
- c. Exceptions to the nonpayment policy can be made for certain eligible beneficiaries residing in an SSA restricted country if they meet and agree to certain restricted conditions (see list of countries in 7 FAM 539.6-2 a). Unless local instructions state otherwise, if a beneficiary contacts a post in one of the restricted countries and requests that an exception be made to the nonpayment policy, you should take a written statement to this effect from him or her and send it to either your RFBO or SSA (at the address below) depending upon instructions from your RFBO:

Social Security Administration
Office of International Operations
P.O. Box 17769
Baltimore, MD 21235-7769

Include the beneficiary's name, SSN, and complete local address.

7 FAM 539.7 Taxation of Benefits**7 FAM 539.7-1 Citizens and Residents of the United States***(CT:CON-332; 05-26-2010)*

- a. Up to 85% of the Social Security benefits received by a person who is a citizen or resident of the United States may be subject to Federal income tax.
- b. See the booklet, "Your Payments While You Are Outside the United States" for information about how Social Security benefits are taxed.

7 FAM 539.7-2 Nonresident Alien Tax*(CT:CON-402; 03-15-2012)*

- a. A Federal income tax will be withheld from Social Security benefits of nonresident aliens. The tax is 30% of 85% of the benefit amount (an effective tax rate of 25.5%).
- b. Federal income tax is not withheld from the benefits of nonresident aliens who reside in countries with which the U.S. has tax treaties that exempt residents from the tax or that provide for a lower tax rate. The U.S. currently has such tax treaties with:

Canada
Egypt
Germany
Ireland
Israel
Italy
Japan
Romania
Switzerland (lower tax rate)
United Kingdom (England, Scotland, Wales and Northern Ireland)

- c. Also, benefits paid to persons who are nationals and residents of India are exempt from this tax to the extent that their benefits are based on U.S. Federal, State, or local government employment.
- d. If you are a nonclaims-taking post and a beneficiary states that this tax should not be withheld from his/her benefits, follow the procedures below:
 - (1) When the beneficiary claims U.S. citizenship, make a copy of his/her naturalization certificate or valid U.S. passport. Send the evidence of citizenship, the beneficiary's SSN and a report of the contact to your RFBO.
 - (2) When the beneficiary claims U.S. or a tax treaty country residence:
 - (a) Make a copy of any evidence he or she has to support his/her residence in that country (e.g., an Alien Registration Card for persons

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

claiming U.S. resident status, an identity card or other document showing resident status in a tax treaty country)

- (b) Take a written statement from him or her showing that he or she considers himself/herself to be a resident of that country. If the beneficiary claims U.S. resident status, the statement must also show:
 - (i) Whether his/her U.S. residence status has ever been abandoned or revoked by DHS (or previously INS)
 - (ii) That he or she understands that as a U.S. resident, his/her worldwide income will be subject to U.S. Federal income tax in the same way as people living in the United States
 - (iii) Send the statement with the copies of the evidence of residence and a brief report of contact to your RFBO. If the beneficiary has no evidence of this residence or cannot readily obtain it, so state on the report to your RFBO. Show the beneficiary's SSN on all reports and documents
 - (iv) In most instances, the RFBO will contact the beneficiary directly if additional information is needed

7 FAM 539.8 What Is SSA's Antifraud Enforcement Program And What Is The Consular Officer's Responsibility?

7 FAM 539.8-1 Foreign Enforcement Program

(CT:CON-519; 06-25-2014)

In addition to relying on beneficiaries to report events that may affect their benefits, SSA contacts beneficiaries outside the United States annually or biennially to verify their current status. The Foreign Enforcement Program was established to:

- (1) Ensure that beneficiaries are still living;
- (2) Determine whether any unreported events have occurred that could result in the suspension or termination of their benefits and remind beneficiaries and representative payees to report such events promptly;
- (3) Obtain a report from, or on behalf of, each beneficiary about any event that could result in the suspension or termination of benefits, change in alien nonpayment exception or change in representative payee;
- (4) Obtain an annual accounting from all representative payees;
- (5) Verify that there has not been a change in custody; and
- (6) Obtain data used for the administration of the Social Security program

UNCLASSIFIED (U)

outside the United States.

7 FAM 539.8-2 Foreign Enforcement Questionnaires (FEQs)

(CT:CON-504; 02-21-2014)

- a. Form SSA-7162-OCR-SM (Report to United States Social Security Administration): Usually in May, these questionnaires are sent by SSA directly to adult beneficiaries receiving their own benefits every year, or every other year, depending on the beneficiary's country of residence. (7 FAM Exhibit 530(B).)
- b. Form SSA-7161-OCR-SM (Report to United States Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds): These questionnaires are sent by SSA directly annually, usually in May, to the payees for children and incapable adult beneficiaries regardless of their country of residence.
- c. Both questionnaires are mailed directly by SSA to the beneficiaries/payees and include an instruction sheet in English, and where used, the following languages:

French	Norwegian
German	Polish
Greek	Portuguese
Italian	Spanish
Japanese	Swedish

The beneficiary/payee should return the FEQ to SSA's Wilkes-Barre Data Operations Center in the pre-addressed envelope provided.

7 FAM 539.8-3 What is the Role of the Consular Officer?

(CT:CON-332; 05-26-2010)

- a. Generally, you are not directly involved in the receipt, control, or mailing of the forms, but some beneficiaries/payees may require assistance (language, age or distance) in completing and signing the questionnaire. However, you need to be mindful of the potential for fraud and do whatever you can to ensure that the benefit is going to the people who are entitled to it. That may mean seeing that all questionnaires are distributed, all responses are processed, and all non-responses are investigated promptly. If benefits have already been stopped, when a beneficiary seeks assistance, contact your claims-taking post or your RFBO.
- b. Due to special circumstances, SSA sends the questionnaires for beneficiaries in certain countries when deemed necessary to the posts in those countries for assistance in the delivery of the FEQs. In these cases, the respondents still return the questionnaires directly to SSA's Wilkes-Barre Data Operations Center.

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

c. See 7 FAM Exhibit 530(B) for the FEQ contact schedule.

7 FAM 539.8-4 What if the Beneficiary/Payee does not Respond?

(CT:CON-332; 05-26-2010)

- a. If a beneficiary/payee has not returned the questionnaire within 60 days, a follow-up notice and a second questionnaire are sent. The follow-up notice advises the recipient that benefits will be suspended if SSA does not receive a completed questionnaire within 45 days. This notice is usually sent in September.
- b. If a completed questionnaire is not received by the end of December, a third questionnaire is sent to the beneficiary with a notice explaining that benefits will stop beginning with the payment for January (received in February).
- c. Once benefits are stopped because an FEQ was not returned, SSA will send the beneficiary/payee another questionnaire to complete. The form should be completed and signed as soon as possible and you should forward it to your RFBO (see 7 FAM Exhibit 530(A)).

7 FAM EXHIBIT 530(A)

Regional Federal Benefits Officers, Duty Stations, Areas of Responsibility and Contact Information

(CT:CON-503; 02-07-2014)

(Note that contact information for the Regional Federal Benefits Officers (RFBOs) is also available on the CA Intranet Federal Benefits page.)

Regional Federal Benefits Officer: San Jose, Costa Rica Phone: 011-506-2519-2228 ext 2150 Telefax: 011-506-291-1032 Mailing Address: American Embassy, Calle 120, Avenida 0, Pavas 1200, San Jose, or Apartado Postal 920, Payas 1200-10109 San Jose		
Service Area: All of Central America (except Mexico), South America, and the Caribbean		
Regional Federal Benefits Officer: Frankfurt, Germany Phone: 011-49-69-7535-2497 Telefax: 011-49-69-749352 Mailing Address: American Consulate General, Giessenerstrasse 30, 60435 Frankfurt, or PSC 115, Box 1027 DPO AE 09213-0115 Service Area:		
Algeria Austria	Hungary	Niger Poland
Belarus	Iran	Russia

UNCLASSIFIED (U)U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Benin Burkina Faso Burundi	Ivory Coast	Rwanda
Cameroon Central African Republic Chad Congo (Brazzaville) Congo (Kinshasa) Czech Republic	Latvia	Slovakia
Djibouti Estonia France	Liechtenstein	Switzerland Togo Tunisia
Gabon Germany Guinea	Lithuania Madagascar Mali Mauritania Monaco	Ukraine
Regional Federal Benefits Officer: Rome, Italy Phone: 011-3906-4674 2397 Telefax: 011-3906-4674-2542 Mailing Address: American Embassy FBU, Via Veneto 119/a, 00187 Rome, Italy or American Embassy FBU, Unit 9500, Box 18 , DPO AE 09624-0090 Service Area:		
Afghanistan Albania Armenia	Jordan	Serbia
Azerbaijan	Kosovo	Slovenia
Bahrain	Kuwait	St. Helena and Dependencies Somalia
Bosnia and Herzegovina	Kyrgyzstan	Sudan
Bulgaria	Lebanon Libya	Syria
Comoros	Macedonia, FYR Malta	Tajikistan
Croatia	Mauritius	Turkey
Cyprus	Moldova	Turkmenistan
Diego Garcia	Montenegro	United Arab Emirates
Egypt Eritrea Ethiopia	Oman	Uzbekistan
Georgia	Qatar	Yemen
Greece	Reunion	

UNCLASSIFIED (U)

UNCLASSIFIED (U)U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Iraq	Romania	
Israel Italy	Saudi Arabia	
Regional Federal Benefits Officer: Mexico City, Mexico Phone: 011-52-55-1102-6333 or Toll Free within Mexico only, 01-800-772-6394 Telefax: 011-52-555-080-2171 or 52-55-1102-6301 Mailing Address: American Embassy, Paseo de la Reforma 305, 06500 Mexico, D.F. or American Embassy, Mexico City, Attn: FBU, P. O. Box 9000, Brownsville, TX 78520-0900		
Service Area: All of Mexico		
Regional Federal Benefits Officer: Manila, Philippines Phone: 011-632-301-2545 Telefax: 011-632-708-9714 or 011-632-708-9723 Mailing Address: Social Security Administration, U.S. Embassy, 1201 Roxas Blvd., Ermita 0930 Manila, Philippines, or Social Security Administration, Unit 8600, DPO AP 96515 Service Area:		
Australia	Korea, South	Samoa
Bangladesh Bhutan	Laos Macao	Singapore
Brunei	Marshall Islands	Solomon Islands Sri Lanka Tahiti Taiwan
Burma	Malaysia	Thailand
Cambodia	Micronesia, Federated States	Tonga
China	Mongolia	Tuvalu
Fiji Hong Kong	Nauru Nepal New Caledonia	Vanuatu
India	New Zealand	Vietnam
Indonesia	Pakistan	Wake Island
Japan	Palau	
Kiribati	Papua New Guinea	
Korea, North	Philippines	

UNCLASSIFIED (U)

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Regional Federal Benefits Officer: London, England
Phone: 011-44 20 7894 0517
Telefax: 011-44 20 7495 7200
Mailing Address: American Embassy, Federal Benefits Unit Box 005, 24 Grosvenor Sq.,
London W1K 6AH, or Unit 8400 Box 0005, DPO AE 09498
Service Area:

Andorra Angola Azores Belgium	Kenya	Sao Tome & Principe Sierra Leone
Botswana Cabo Verde	Lesotho	South Africa Spain
Denmark Equatorial Guinea	Liberia	Swaziland
Finland	Luxembourg	Sweden
Gambia	Malawi Mozambique	Tanzania
Ghana Gibraltar	Namibia	Uganda
Greenland Guinea Bissau	Netherlands	United Kingdom Western Sahara
Iceland	Nigeria	Zambia
Ireland	Norway Portugal	Zimbabwe

Argentina	Hungary
Australia	Ireland
Austria	Israel
Azores	Italy
Barbados	Japan
Belgium	Malta
Brazil	Macedonia (Republic of)
Canada	Netherlands
Chile	New Zealand
Colombia	Nicaragua
Costa Rica	Norway
Croatia	Panama
Cyprus	Poland
Czech Republic	Portugal
Denmark	Serbia
Ecuador	Slovakia
El Salvador	Slovenia
Finland	Spain
France	Sweden

UNCLASSIFIED (U)

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Germany	Switzerland
Greece	United Kingdom
Guatemala	Venezuela
Honduras	APO/DPO/FPO
Hong Kong	

7 FAM Exhibit 530(B) Schedule of Foreign Enforcement Contacts

(CT:CON-503; 02-07-2014)

1. BIENNIAL CONTACTS: An Form SSA-7162-OCR-SM is sent to all beneficiaries residing in the following countries every other year. Half the beneficiaries are contacted in even-numbered years and the other half in odd-numbered years.

Biennial contacts are also made with all B (aged spouse), D (aged widow/widow), F (parent), J (special age 72); and W (disabled widow/widower) beneficiaries residing in a country (other than Yemen) shown in 2 below.
2. ANNUAL CONTACTS -- An Form SSA-7162-OCR-SM is sent every year to all beneficiaries (except as noted in 1. above) residing in the following countries:

Cabo Verde Islands	Turkey
Dominican Republic	Yemen
Jamaica	All other countries not listed in 1 above
Lebanon	
Mexico	
Philippines	

3. ANNUAL CONTACTS -- An Form SSA-7161-OCR-SM is sent every year to all beneficiaries with representative's payees.

7 FAM EXHIBIT 530(C) Benefit Claims Symbols and Factors of Entitlement

(CT:CON-332; 05-26-2010)

The following chart shows the claims symbols for the types of Social Security benefits. Information on the factors of entitlement that relate to these benefits can be found in the Social Security Handbook on the Social Security website.

Type of Benefit	Claim Symbol	SSA Handbook Section
Retirement Insurance	A	301

UNCLASSIFIED (U)U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

Disability Insurance	HA	501
Wife	B	305
Husband	B1	305
Young Wife	B2	305
Divorced Wife	B6	311
Divorced Husband	BR	311
Young Husband	BY	305
Child Under Age 18	C	323, 324, 410, 411
Disabled Child	C	323, 324, 410, 411
Student	C	323, 324, 410, 411
Widow	D	401, 402
Remarried Widow	D4	401, 402, 406
Remarried Widower	D5	401, 402, 406
Surviving Divorced Wife	D6	403
Surviving Divorced Husband	DC	403
Mother	E	415
Surviving Divorced Mother	E1	415
Father	E4	415
Surviving Divorced Father	E5	416
Disabled Widow	W	401, 402
Disabled Widower	W1	401, 402
Disabled Surviving Divorced Wife	W6	403
Disabled Surviving Divorced Husband	WR	403
Parent - Father	F1	421, 422
Parent - Mother	F2	421, 422
Lump-Sum Death Payment	G	428-433

A claims symbol with an "H" prefix identifies a benefit paid from the Disability Insurance Trust Fund. For example, an HC is the child of a disabled worker.

7 FAM EXHIBIT 530(D)**Mandatory In-Person Interview Worksheet SSN
Applicant Age 12 or Older - Original SSN**

(CT:CON-332; 05-26-2010)

Determine if the applicant has previously been assigned, or has used, an SSN by asking the questions about circumstances under which he or she may have needed an SSN. The questions listed in this worksheet are not all inclusive; additional questions may be necessary to ensure an SSN was not previously assigned and to

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

prevent the assignment of an SSN to an individual assuming a false identity.
Document all interview and development results.

Applicant Name: _____

Applicant Address: _____

Has the applicant ever held a full-time, part-time or temporary job in the U.S.?

☐ No ☐ Yes If yes, explain:

Has the applicant ever had a U.S. State-issued driver's license, U.S. State ID card?

☐ No ☐ Yes If yes, explain:

Has the applicant ever taken any U.S. Scholastic Achievement Test or other college-related entrance tests?

☐ No ☐ Yes If yes, explain:

Has the applicant ever attended or applied for admittance to a U.S. college, university or technical/vocational school?

☐ No ☐ Yes If yes, explain:

Has the applicant ever had a U.S. savings account in a bank, credit union, or other financial institution or ever owned U.S. stocks or U.S. bonds? Did the parents or other relatives ever open an account or buy U.S. savings bonds for the applicant?

☐ No ☐ Yes If yes, explain:

Has the applicant or his/her spouse ever filed a U.S. Federal or State income tax return or been claimed as a dependent on a Federal tax return?

☐ No ☐ Yes If yes, explain:

Has the applicant ever served in the U.S. military service or registered to vote in the U.S.?

☐ No ☐ Yes If yes, explain:

Has the applicant or the applicant's family ever applied for any type of U.S. governmental assistance such as TANF, Food Stamps, WIC, Medicaid, medical assistance, public job training or summer youth employment?

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 7
Consular Affairs

☐ No ☐ Yes If yes, explain:

Has the applicant been living outside the U.S. for a prolonged period? ☐ No
☐ Yes If yes, explain: Indicate if there were any problems with the applicant's
responses and/or if there were any indications that the responses or evidence was
fraudulent.

Signature/Title of Approved Person Who Conducted Interview

Date

OMB 0960-0066